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ACTS

OF THE

Department of Education

Province of Ontario

Revised Statutes of Ontario 1914

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SECTION XV.

EDUCATION.

CHAPTER 265.

An Act respecting the Department of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as *The Department of Education* Short title.
Act. 9 Edw. VII c. 88, s. 1.

2. In this Act,—

Interpretation.

- (a) "Council" shall mean the Advisory Council of Education; "Council."
- (b) "Department" shall mean the Department of Education. "Department."
- (c) "Minister" shall mean the Minister of Education; "Minister."
- (d) "Registrar" shall mean the Registrar of the Department; "Registrar."
- (e) "Regulations" shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. "Regulations." 9 Edw. VII. c. 88, s. 2.

3.—(1) There shall be a department of the Government of Ontario to be known as "The Department of Education," which shall be presided over by the Minister of Education. Department of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. Deputy Minister and Registrar. 9 Edw. VII. c. 88, s. 3.

MINISTER OF EDUCATION.

4.—(1) The Minister shall have the administration and enforcement of the Statutes and Regulations respecting Pub- Powers of Minister.

Administration. Public Schools, Separate Schools, Kindergarten Departments, Supervised and Out-door Playgrounds, Consolidated Schools, High Schools, Collegiate Institutes, Continuation Schools, Technical Schools, School Cadet Corps, all Departments of any such schools, Night Schools, School Gardens, School Libraries, Public Libraries, Travelling Libraries, Library Institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established. 9 Edw. VII. c. 88, s. 4 (1); 3-4 Geo. V. c. 70, s. 39 (1)

Management of Schools and Institutions. (2) The Minister shall have the management and control of Model Schools, Normal Schools, Teachers' Institutes, Summer and Vacation Schools and Schools for the Education of the Deaf and Dumb and the Blind.

Appointment of Inspectors, Teachers, and Officers. (3) The Minister may appoint such Inspectors, Teachers and Officers for purposes of instruction, supervision and administration as he may deem expedient.

Prescribing duties of officers. (4) Subject to the provisions of this Act and to the Regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. 9 Edw. VII. c. 88, s. 4 (2-4).

Regulations. 5. Subject to the provisions of any Statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make Regulations

Schools, departments, etc. (a) for the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, supervised and out-door playgrounds, institutes and institutions hereinbefore mentioned;

Fees of candidates and students. (b) prescribing the fees, if any, to be paid by candidates at departmental examinations, other than high school entrance examinations, and by normal and model school students;

Fees of examiners, etc. (c) prescribing the fees to be paid to presiding officers and examiners in connection with Departmental Examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid;

Accommodation and equipment of school houses and grounds. (d) prescribing the accommodation and equipment of school houses and the arrangement of school premises;

Text books and books of reference. (e) authorizing text books for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions, and books of reference for the use of teachers and pupils;

- (f) for the management of public, travelling and school libraries and library institutes;
- (g) prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, supervised and outdoor playgrounds, institutes and institutions; Qualification and duties of teachers and inspectors.
- (h) for conducting the examinations prescribed by the Regulations and settling the results thereof; Conducting examinations.
- (i) for granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers; Teachers' certificates.
- (j) for the payment of the superannuation allowances of inspectors and teachers; Superannuation allowances.
- (k) for the apportionment and distribution of all money appropriated by this Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions; Apportionment of legislative grant.
- (l) for the affiliation with any University in Ontario or with the Normal or Model Schools of such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching; Affiliating certain schools with other institutions.
- (m) for accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers; Accepting courses and examinations in pedagogy.
- (n) for the conduct of the business of the Advisory Council of Education. . . 9 Edw. VII. c. 88, s. 5; 3-4 Geo. V. c. 70, s. 39 (2). Conduct of business of council.

6.—(1) It shall be the duty of the Minister and he shall have power, Powers and duties of Minister.

- (a) to apportion all sum of money appropriated as a general grant for urban public and separate schools among the several cities, towns and villages according to the population of each as compared with the population of all the urban municipalities in Ontario according to the last annual returns received from municipal clerks; Apportionment of general grant for urban schools.
- (b) to divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively during the next preceding calendar year; Division between Public and Separate schools.
- (c) to pay, on or before the first day of August in each year, the grants so apportioned to the treasurer of the public schools. Payment of grants to public schools.

each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors;

Apportionment
of special
school grants.

(d) subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages on the basis of the grade of the teachers' certificates and the length of their successful experience;

Payment of
special grant
to public
schools.

(e) to pay, on or before the first day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors;

Payment of
grants to
separate
schools.

(f) to pay, on or before the first day of August in each year, the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;

Apportionment
of grant for
rural schools.

(g) subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience and the amount of the municipal or school assessments;

Payment of
grants to
rural schools.

(h) to pay, on or before the first day of August in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him, except when he acts as sub-treasurer also, to the township treasurers for payment by them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

Payments of
grants to rural
schools in
districts.

(i) subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in provisional judicial districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August and the second on or before the 1st day of December;

Apportionment
of grants to
assisted
schools.

(j) subject to the Regulations, to apportion to public and separate school boards in poor rural districts and to the residents of lumber, mining and other settlements all sums of money appropriated for assisted schools;

Apportionment
of high school
grant.

(k) subject to the Regulations, to apportion all sums of money appropriated for high school purposes

among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county so that the county grant may be paid to the treasurer of the board of such school;

- (l) subject to the Regulations, to apportion out of any money appropriated for such purposes all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and out-door playgrounds, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes. 9 Edw. VII. c. 88, s. 6, cl. (a-l). Apportionment of grant made for certain purposes.
- (m) subject to the Regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by this Legislature among high schools, continuation schools and public and separate schools of the Province; 2 Geo. V. c. 76, s. 2. Apportionment of grants for agricultural education.
- (n) to accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto; Accepting other qualifications in lieu of departmental examinations.
- (o) to submit a case on any question arising under *The Public Schools Act*, *The High Schools Act* or *The Separate Schools Act*, or this Act to a Judge of the Supreme Court for his opinion and decision, or by the leave of a Judge of such Court, to a Divisional Court for its opinion and decision; Submitting questions arising upon school law to Supreme Court. Rev. Stat. c. 266. Rev. Stat. c. 268. Rev. Stat. c. 270.
- (p) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer; Power to settle disputes and complaints.

Suspension or
cancellation
of certificates.

(g) to suspend or cancel any certificate of qualification granted by the Department;

Power to
appoint com-
missioners.

(r) to appoint as a Commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and

Rev. Stat.
c. 18.

Annual report.

(s) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. 9 Edw. VII. c. 88, s. 6 cl. (m-r).

Distribution
of legislative
grant between
public and
separate
schools.

(2) The Minister shall so divide the sums appropriated for the purposes mentioned in clauses (d) and (g) of subsection 1 that out of each of them there shall be allotted to the Separate Schools a sum which bears the same ratio to the whole sum appropriated as the average number of pupils who attended such schools during the next preceding calendar year bears to the whole average number of pupils who attended both Public and Separate Schools during that year, and that the residue shall be allotted to the Public Schools, and subject to the Regulations, shall apportion among the Public Schools the sums so allotted to them and among the Separate Schools the sums so allotted to them on the respective bases mentioned in clauses d and g.

Apportionment
of grants
for certain
purposes.

(3) All money appropriated for any of the following purposes mentioned in clause l of subsection 1, that is to say:

- (a) Fifth classes;
- (b) Manual training, household science, art and agricultural departments;
- (c) School gardens;
- (d) Kindergartens;
- (e) Night schools;
- (f) Free text books;
- (g) Other educational purposes not specially mentioned in the said clause l;

which is applied for the purposes of primary education shall be allotted, divided and apportioned as provided by subsection 2.

Meaning of
"Primary
Education."

(4) Primary education for the purposes of subsection 3 shall mean education in the Public or Separate Schools.

Disposal of
surplus.

(5) Any part of the sums appropriated for the purposes mentioned in subsections 2 and 3, and allotted to the Public Schools as provided by subsection 2, which shall not be required to pay the amounts to which such schools shall be entitled

to in the respective bases mentioned in clauses *d* and *g* of subsection 1, shall lapse and become part of The Consolidated Revenue Fund, and in like manner any part of the sums allotted to the Separate Schools which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses *d* and *g* of subsection 1 shall lapse and become part of The Consolidated Revenue Fund. 10 Edw. VII. c. 102, s. 1; 2 Geo. V. c. 76, s. 28.

SUPERINTENDENT OF EDUCATION.

7. The Lieutenant-Governor in Council may appoint a ^{Appointment of Superintendent.} Superintendent of Education who shall hold office during pleasure. 9 Edw. VII. c. 88, s. 7.

8. The Superintendent of Education shall have, subject to ^{Duties and powers.} the direction of the Minister and to the provisions of any Act or Regulation, the general supervision and direction of all classes of High Schools, Public Schools, Separate Schools, Technical Schools, professional training schools and the Departmental Examinations for Teachers, Teachers' Institutes, Art Schools, and School Libraries, and of the Inspectors of any of such schools, and shall make such recommendations to the Minister as he may deem expedient with respect to any matters arising out of such supervision and direction. 9 Edw. VII. c. 88, s. 8.

ADVISORY COUNCIL OF EDUCATION.

9. There shall be an Advisory Council of Education composed of ^{Advisory Council of Education, how composed.}

- (a) The President of the University of Toronto for the time being who shall be chairman;
- (b) The Superintendent of Education who shall, subject to the direction of the Minister, represent him, but shall have no vote;
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University.
- (d) Four members representing respectively, Queen's University, McMaster University, Ottawa University, and the Western University, one to be elected by the Senate of each University;
- (e) Two members elected by and representing the High School Teachers;
- (f) Four members elected by and representing the Public School Teachers;

- (g) One member elected by and representing the Separate School Teachers;
- (h) Two members elected by and representing the Public School Inspectors, and
- (i) Two members elected as hereinafter mentioned and representing the School Trustees of the Province. 9 Edw. VII. c. 88, s. 9.

Function.

10.—(1) The Council shall be a consultative committee to confer with the Minister on such subjects only as he may submit to it or to its committees.

Regulating conduct of business.

(2) The Council shall have power, subject to the Regulations, to make rules for the conduct of its own business. 9 Edw. VII. c. 88, s. 10.

Certain persons disqualified from being members.

11. No person who is directly or indirectly, alone or with another, as principal or agent, by himself or by the interposition of a third person financially interested in the preparation, publication, authorization or sale of any text book or other book or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the direction and regulation of the Minister, shall be eligible as a member of the Council or sit or vote thereon, and any member of the Council who becomes so financially interested shall thereby vacate his office. 9 Edw. VII. c. 88, s. 11.

How meetings to be called.

12.—(1) The meetings of the Council and of its committees shall be called by the Minister.

Registrar to attend.

(2) The Registrar shall attend the meetings of the Council and shall act as secretary thereof. 9 Edw. VII. c. 88, s. 12.

Qualification of members.

13.—(1) Every representative of a University shall be elected from among the members of the Senate of the University, and each of the other elected members of the council shall be elected from among the members of the body which he represents and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of representatives of Universities.

(2) At an election of a representative of a University every member of the Senate thereof shall have the right to vote, and in other respects each Senate shall elect its representatives in such manner as it may deem expedient.

Election of teachers and inspectors.

(3) The representatives of the high school, public school and separate school teachers, and of the public school inspectors, shall be elected by ballot as provided in this Act. 9 Edw. VII. c. 88, s. 13.

Triennial elections.

14.—(1) Every elected member of the Council shall hold office for three years and until his successor is elected.

(2) A member of the Council who retains his qualification ^{Eligible for re-election.} shall be eligible for re-election. 9 Edw. VII. c. 88, s. 14.

15.—(1) Every teacher who holds a permanent certificate of qualification granted by the Minister and who is engaged in teaching in a school for which such permanent certificate qualifies such teacher shall be entitled to be entered on the list of teachers of that class and to vote at the election of a representative thereof. ^{What teachers may vote.}

(2) Every public school inspector engaged in the performance of the duties of that office shall be entitled to be entered on the list of inspectors qualified to vote for representatives of public school inspectors, and to vote at any election of such representatives. ^{What inspectors may vote.} 9 Edw. VII. c. 88, s. 15.

16. Whenever a general election of representatives is to be held the Registrar shall, as soon as may be after the receipt of the respective lists of qualified electors, make up and complete and enter on separate registers an alphabetical list of the names with the post office addresses of all persons belonging to each class of electors, except the members of a University Senate, entitled to elect representatives. ^{Lists of electors.} 9 Edw. VII. c. 88, s. 16.

17.—(1) On or before the first Wednesday of October in each year in which a general election is to be held every high school, public school and separate school inspector shall furnish to the Registrar a list of the names of all teachers in the schools in his inspectorate who are entitled to vote, with their post office addresses. ^{Lists of teachers.}

(2) On or before the same date the Registrar shall prepare a list of the public school inspectors who are entitled to vote. ^{Lists of inspectors.}

(3) Where by reason of a vacancy in the office, illness, absence or any other cause, there is no inspector or registrar able to furnish a list of voters the Minister may require some competent person to furnish the same. ^{Vacancy in office of inspector or registrar.} 9 Edw. VII. c. 88, s. 17.

18.—(1) No teacher or inspector shall be elected who has not been nominated in writing signed by at least six of the persons who are entitled to vote as members of the electing body to which such teacher or inspector belongs. ^{Nominations of candidates.}

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar before four o'clock in the afternoon of the first Wednesday of October in the year in which the election is to be held, but not earlier than two weeks before that day, and nomination papers received by the Registrar by post within that time shall be deemed to be duly delivered to him. ^{Nomination papers.}

Invalid nomination papers.

(3) A nomination paper which does not comply with the provisions of this section shall be null and void. 9 Edw. VII. c. 88, s. 18.

Election by acclamation.

19. If the number of candidates nominated does not exceed the number of representatives to be elected, the person or persons so nominated shall be deemed to be elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister. 9 Edw. VII. c. 88, s. 19.

Proceedings when vote to be taken.

20.—(1) Where a greater number of candidates are nominated than the number of representatives to be elected by any electing body, an election shall be held and the Registrar shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, Form A, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates nominated.

Voting papers.

Who may vote and for whom.

(2) Each person qualified to vote shall be entitled to as many votes as there are members to be elected to represent the electing body to which he belongs, but may not give more than one vote to any one candidate.

Damaged voting paper.

(3) If a voting paper is accidentally so damaged as to be unfit for use, the person to whom it was sent by the Registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned so damaged. 9 Edw. VII. c. 88, s. 20.

When voting papers to be delivered.

21.—(1) The voting papers shall be delivered to the Registrar between ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting paper received by the Registrar by post within such dates before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him.

Counting the votes.

(2) Upon the Thursday next after the first Wednesday of November, at ten o'clock in the forenoon, the voting papers shall be opened by the Registrar, with such assistance as the Minister may deem necessary, in presence of the scrutineers to be appointed as hereinafter provided, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister. Any candidate at the election may be present at the opening of the voting papers or be represented by not more than one agent appointed by him in writing. No voting paper which has not been furnished by the Registrar shall be counted.

Appointment of scrutineers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or in default the President

of the University of Toronto, shall appoint one person; and such person and a person appointed by the Minister shall act as scrutineers at the election.

(4) If an elector votes for more candidates than there are representatives to be elected by the electing body to which he belongs his vote shall be invalid and shall not be counted. Voting for more than allowed.

(5) If an elector places upon his voting paper the name of any person who is not a qualified candidate the vote in favour of any qualified candidate who is properly voted for shall not be invalidated, and such voting paper shall be acted upon as if the name of the person who was not qualified had not been inserted. Elector voting for persons not candidates.

(6) Upon the completion of the counting of the votes and of the scrutiny the Registrar shall declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith report the same in writing signed by himself and by the scrutineers to the Minister. Declaration of results.

(7) Where there is an equality of votes cast for two or more candidates, which leaves the election of one or more members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the paper or papers so drawn shall be deemed to be elected. 9 Edw. VII. c. 88, s. 21. Equality of votes.

22. The representative of each of the Universities mentioned in section 9 shall be elected on or before the first Wednesday in November of the year in which a general election is to be held, and notification of the names of the persons elected shall be sent forthwith to the Minister by the Registrar of each University. 9 Edw. VII. c. 88, s. 22. Date of election of university representatives.

23.—(1) Where default is made in the election of the required number of representatives of any University or of any of the bodies authorized to elect representatives to the Council, at the time prescribed therefor, the Minister may fill the vacancy, but no person shall be appointed who is not a qualified member of the body which he is to represent. Default of election.

(2) Where the office of a representative of any University becomes vacant for any cause before the expiration of his term of office, the Senate of the University shall, as soon as may be convenient, elect another representative to fill the vacancy, and if the vacancy is not so filled within one month the Minister may appoint a member of the Senate of the University to fill the vacancy. Vacancies in university representation, how filled.

Vacancies in representation of teachers or inspectors, how filled.

(3) Where a member of the Council representing the public school inspectors or representing one of the bodies of teachers vacates his office from any cause before the expiration of his term of office the candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, or if such candidate has already become a member or is unwilling or unable to accept the office or is the member vacating the office, the candidate at the last preceding election who received the second or next highest number of votes shall, if he is willing to accept the office, forthwith become a member in place and for the remainder of the unexpired term of the representative so vacating his office and as soon as convenient shall be notified by the Registrar that he has become a member of the Council.

Equality of votes in such cases.

(4) Where by reason of two or more of such candidates having received an equal number of votes the question of filling a vacancy cannot be decided as provided by subsection 3, it shall be decided by chance in the manner provided by subsection 7 of section 21.

When vacancy may be filled by Minister.

(5) Where there is no such candidate to fill the vacancy or none willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions the vacancy may be filled by the Minister by the appointment of a qualified member of the body to be represented. 9 Edw. VII. c. 88, s. 23.

Election and term of office of representatives of trustees.

24.—(1) The members representing the school trustees shall be elected by the members of the trustee section of the Ontario Educational Association at an annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of such section shall deem expedient.

Temporary vacancy.

(2) A vacancy occurring at any time in such representation may be filled at the next annual meeting of the Association. 9 Edw. VII. c. 88, s. 24.

Vacating office.

25. A member of the Council who ceases to reside in Ontario or to possess the required qualification, or becomes insane, or is convicted of an indictable offence shall *ipso facto* vacate his office. 9 Edw. VII. c. 88, s. 25.

SEPARATE SCHOOLS.

Powers of Minister as to separate schools.

26. Subject to the provisions of this Act every power, right and authority now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic Separate Schools or to any matter or thing pertaining to or affecting such Separate Schools shall be vested in and held, had and possessed by the Minister. 9 Edw. VII. c. 88, s. 26.

REGULATIONS AND ORDERS IN COUNCIL.

27.—(1) Every Regulation and every Order in Council made under the authority of this Act or of the Acts relating to Public Schools, Separate Schools or High Schools shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not then in session, within the first seven days of the next session after such Regulation or Order in Council was made.

Regulations and Orders in Council to be laid before the Legislative Assembly.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the Assembly then at the next ensuing session, disapproves by resolution of such Regulation or Order in Council, or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution.

Disapproval by Legislative Assembly.

9 Edw. VII. c. 88, s. 27.

PENALTIES.

28.—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize, or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public, or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100.

Penalties for same.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof for so doing shall for every such offence incur a penalty of \$500.

Penalty against business firm or agent.

Gifts, etc., to
be *prima facie*
evidence.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale shall be *prima facie* evidence of a violation of this section.

Recovery of
penalties.
Rev. Stat.
c. 90.

(5) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application
of penalties.

(6) The penalties recovered under this Act shall be applied to such purposes as the Minister may direct.

Consent of
Attorney-
General to
prosecution.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

Sale in ordi-
nary course
of business
excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or book seller in the ordinary and regular course of his business as such and made at his shop or place of business. 9 Edw. VII. c. 88, s. 28.

SCHEDULE.

FORM A.

[Section 20 (1)].

VOTING PAPER.

Advisory Council of Education.

Election,

19

I, resident at , in the County of , do hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person (*or persons, as the case may be*) as member (*or members, as the case may be*), of the Advisory Council of Education, viz.:

A.B., of , in the County of , etc.;

(3) That I have not signed any other voting paper;

(4) That this voting paper was executed on the day of the date hereof;

(5) That I vote in my right as Public School Inspector (*or Public School Teacher, or Separate School Teacher, or High School Teacher, as the case may be*);

(6) That my permanent professional certificate is dated and numbered

Witness my hand this day of 19 .

9 Edw. VII. c. 88, Schedule, Form A.

CHAPTER 266.

An Act respecting Public Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

- Short title. **1.** This Act may be cited as *The Public Schools Act*. 9 Edw. VII. c. 89, s. 1.
- Interpretation. **2.** In this Act:—
- “Board.” (a) “Board” shall mean a Board of Public School Trustees;
- “County Inspector.” (b) “County Inspector” shall mean the Inspector appointed for a County Inspectorate;
- “County Inspectorate.” (c) “County Inspectorate” shall mean a county or portion of a county or portions of two or more counties for which an Inspector is appointed, but shall not include a city or separated town for which an Urban Inspector is appointed;
- “District Inspector.” (d) “District Inspector” shall mean an Inspector appointed for a District Inspectorate;
- “District Inspectorate.” (e) “District Inspectorate” shall mean an inspectorate composed of territory outside of county organization;
- “Inspector.” (f) “Inspector” shall mean Public School Inspector;
- “Inspectorate.” (g) “Inspectorate” shall mean the territory for which an Inspector is appointed;
- “Minister.” (h) “Minister” shall mean Minister of Education;
- “Ratepayer.” (i) “Ratepayer” shall mean any person entered on the last revised assessment roll of the school section for public school rates and for the purposes of a school meeting shall include a farmer’s son as defined by *The Municipal Act*;
- Rev. Stat. c. 192. (j) “Regulations” shall mean regulations made under *The Department of Education Act*;
- “Regulations.” Rev. Stat. c. 265. (k) “School section” and “section” shall include a part of one or more township municipalities under the jurisdiction of one public school board;
- “School section.”

- (l) "School site" shall mean the land necessary for a "School site." schoolhouse, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith;
- (m) "Secretary" or "Treasurer" shall include a secre-^{"Secretary" or} tary-treasurer; ^{"Treasurer."}
- (n) "Separated town" shall mean a town which does^{"Separated} not form part of a county for municipal purposes; ^{town."}
- (o) "Teacher" shall mean a person holding a legal cer-^{"Teacher."} tificate of qualification;
- (p) "Township" shall include a union of townships; ^{"Township."}
- (q) "Township board" shall mean a board having juris-^{"Township} diction over all the public schools in a township; ^{board."}
- (r) "Urban Inspector" shall mean the Inspector^{"Urban} appointed for an urban inspectorate; ^{Inspector."}
- (s) "Urban Inspectorate" shall mean a city or separated^{"Urban} town not included in a county inspectorate; ^{Inspectorate."}
- (t) "Urban municipality" shall mean a city, town or^{"Urban} village. 9 Edw. VII. c. 89, s. 2. ^{municipality."}

3. The Regulations, though not specially referred to, shall^{Application of} apply to any matter or thing in this Act contained, so far as ^{regulations.} the same are consistent with this Act. 9 Edw. VII. c. 89, s. 3.

4. Nothing in this Act, authorizing the levying or collect-^{Exemption of} ing of rates on taxable property for public school purposes ^{supporters} shall apply to the supporters of Roman Catholic separate ^{of Roman} schools except that all taxable property shall continue to be ^{Catholic} liable to taxation for the purpose of paying any liability ^{separate} incurred for public school purposes while such property was ^{schools.} subject to taxation for such purposes. 9 Edw. VII. c. 89, s. 4.

5. All public school sections or other public school divisions^{Existing} shall continue as they now exist; all trustees duly elected and ^{school} all officers duly appointed shall continue in office; and all ^{arrangements,} agreements, contracts, assessments and ratebills heretofore ^{continued.} duly made in relation to public schools and existing when this Act takes effect shall continue subject to the provisions of this Act. 9 Edw. VII. c. 89, s. 5.

PUBLIC SCHOOLS TO BE FREE.

6.—(1) All schools established under this Act shall be^{Public schools} free public schools, and every person between the ages of ^{to be free.} five and twenty-one years, except persons whose parents or guardians are separate school supporters, shall have the right to attend some such school in the urban municipality

or rural school section in which he resides. 9 Edw. VII. c. 89, s. 6 (1); 2 Geo. V. c. 76, s. 3.

Right to
attend
kindergarten
schools.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

Rights of
persons hav-
ing charge
of children.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The Truancy Act* in the same manner and to the same extent as a ratepayer. 9 Edw. VII. c. 89, s. 6 (2-3).

Rev. Stat.
c. 274.

SCHOOL YEAR AND HOLIDAYS.

Terms.

7.—(1) The school year shall consist of two terms, the first of which shall begin on the first day of September and shall end on the twenty-second day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. 1 Geo. V. c. 17, s. 55 (1).

Holidays.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday in public schools.

In rural school
sections.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year.

Determining
school terms
in districts.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 9 Edw. VII. c. 89, s. 7 (2-4).

RELIGIOUS INSTRUCTION.

Religious
exercises.

8.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious
instruction.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. 9 Edw. VII. c. 89, s. 8.

SCHOOL VISITORS.

9.—(1) Judges, members of the Assembly, and members of ^{Public school} municipal councils, shall be school visitors in the municipali- ^{visitors} ties where they respectively reside, and every clergyman shall ^{defined.} be a school visitor in the municipality where he has pastoral charge.

(2) School visitors may visit public schools, may attend any ^{Their powers.} school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. 9 Edw. VII. c. 89, s. 9.

SCHOOL RATES GRANTED PRIOR TO 24TH JULY, 1850.

10. All lands which before the 24th day of July, 1850, ^{School lands} were granted, devised or otherwise conveyed to any person or ^{granted before} persons in trust for common school purposes and held by ^{1850 vested in} such person or persons and their heirs or other successors in ^{trustees for} the trust, and have been heretofore vested in the public school ^{school} trustees of the school section or municipality in which such ^{purposes.} lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 9 Edw. VII. c. 89, s. 10.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

11.—(1) Whenever it is deemed expedient by or it is the ^{Selection and} duty of a rural school board to erect a new school building, ^{change of} or where a petition in that behalf is presented by twenty- ^{school site.} five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting.

(2) In case a majority of the ratepayers present at such ^{Arbitration} special meeting differ from the board as to the suitability ^{when trustees} of the site selected by it, each party shall then and there ^{and ratepayers} choose an arbitrator, and the inspector or, in case of his ^{differ as} inability to act, any person appointed by him to act on his ^{to site.} behalf, shall be a third arbitrator; and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, ^{Award.} approve of the site selected by the board or may change the boundaries of the same or may select such other site as the

arbitrators or the majority of them deem more suitable for the purpose.

Reconsideration of award.

Duration.

Where boundaries altered.

Where failure to appoint arbitrator.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed shall meet and determine the matter; and the inspector in case of such refusal or neglect shall have a second or casting vote, if he and the arbitrator appointed do not agree. 9 Edw. VII. c. 89, s. 11.

ACTIONS TO SET ASIDE AWARDS.

Consent of majority of ratepayers to action to set aside award.

12. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. 9 Edw. VII. c. 89, s. 12.

SCHOOL WALLS AND FENCES.

Fence.

13. Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. 9 Edw. VII. c. 89, s. 13.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement of school site.

14. Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. 9 Edw. VII. c. 89, s. 14.

ALTERATION OF SECTION BOUNDARIES.

Union of two or more sections.

15.—(1) The council of a township may pass by-laws:

- (a) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the

inspector for that purpose, a majority of the rate-payers present at each meeting request to be united;

- (i) But when all the school sections in a town-^{Constitution of board when all sections united.}ship have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

- (b) To alter the boundaries of a school section, or divide ^{Alteration, etc., of school sections.}an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons, to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council to do so. 9 Edw. VII. c. 89, s. 15 (1); 2 Geo. V. c. 76, s. 4.

(2) No such by-law shall be passed later than the first day ^{Time for passing by-law, commencement and duration.}of June in any year nor shall, subject to the provisions as to the formation, alteration or dissolution of union school sections take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided, for a period of five years.

(3) The township clerk shall transmit a copy of such by-law ^{Clerk to send copies to board and inspector.}immediately after the passing thereof to the board of every school section affected thereby and to the inspector.

(4) Where part of a school section has been added to a city ^{When part of section is added to city or town.}or town the council of the municipality in which such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 9 Edw. VII. c. 89, s. 15.

(5) Any section which has been or shall be formed at any ^{Status of section formed by division of section.}time by dividing an existing section shall be deemed to be a new section for all purposes. 1 Geo. V. c. 17, s. 19.

CONSOLIDATED SCHOOLS.

Consolidation
of sections for
consolidated
school.

16.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the board or by the inspector for that purpose, pass a resolution to unite for the purpose of carrying on a consolidated school the council of the township in which the school sections are situate, or in case the school sections are situate in different townships then the council of each of such townships may pass a by-law to consolidate the sections for that purpose.

Corporate
name and
powers of
trustees.

(2) The trustees of such consolidated school section shall be a corporation by the name of "The Board of Trustees of Consolidated School," inserting the name of the school, and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural schools, and may also provide for the conveyance of pupils to and from school and for the cost thereof; and they may, subject to the approval of the Minister, select a name for such school.

Maintenance
when in
different
townships or
counties.

(3) Where the sections consolidated are in different townships or counties the provisions of this Act relating to union school sections shall apply to the consolidated school section for the purpose of fixing the proportion of the cost of maintaining the school to be borne by the different parts of such consolidated school section; and each township in which any part of the consolidated section is situate shall levy, collect and pay over its proportion as if such school were a union school.

Original
section to
continue to
elect trustees.

(4) The school sections so consolidated shall maintain their separate identity and each of such sections shall continue to elect trustees as if no consolidation had taken place.

Board of
consolidated
sections.

(5) The trustees so elected shall constitute the board of the consolidated school section.

Trustees of
each section
continued as
a school
corporation.

(6) The trustees elected for each of the sections so consolidated shall continue to be a school corporation and shall have the care of the school buildings and property, if any, which belonged to such section before the consolidation, and shall make such requisitions upon the board of the consolidated school as may be necessary to provide insurance and protection therefor.

Disposal of
property.

(7) The trustees of each section, if authorized by the majority of ratepayers present at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

Collection
of school
rates from
supporters
in respective
sections.

(8) The board of the consolidated school shall include the respective sums required by each separate section under subsection 6, and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds,

and the sum so required by each separate section shall be levied upon and collected from the taxable property of the public school supporters in that section, and the board of the consolidated school shall pay the same as required to the trustees of the respective separate sections. 9 Edw. VII. c. 89, s. 16 (1, 3-9); 3-4 Geo. V. c. 70, s. 2.

(9) A by-law to form a consolidated school section shall not be passed later than the 1st day of June in any year nor take effect except as herein otherwise provided before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided for at least three years. 9 Edw. VII. c. 89, s. 16 (10); 3-4 Geo. V. c. 70, s. 3.

(10) If, at any time after the expiration of three years from the establishment of such school, at a special meeting duly called for the purpose, a majority of all the members of the board of the consolidated school vote in favour of the dissolution of such section, the council or councils of the township or townships in which such section is situate may pass by-laws dissolving such section, and fixing a date for the dissolution, which shall not be less than three months after passing the by-laws nor before the first day of the next calendar year thereafter.

(11) Upon such dissolution the boards of the separate sections shall have all the powers and perform all the duties of the public school boards as if no such consolidation had taken place, and they may by agreement arrange for the disposition of the property acquired for or used by the consolidated school and adjust all or any claims and matters among themselves relating to such property or school.

(12) If any claim or matter is not settled by agreement each board concerned shall appoint an arbitrator and if the number appointed be an even number those appointed shall appoint an additional arbitrator, or if they cannot agree the Minister shall appoint an additional arbitrator; and all differences among the boards shall, subject to the provisions of subsection 3 of section 20, be determined by the arbitrators in the manner provided in *The Arbitration Act*.

Rev. Stat.
c. 65.

(13) The township clerk shall transmit copies of all by-laws passed under the provisions of this section immediately after the passing thereof to the board of every section affected thereby and to the inspector. 9 Edw. VII. c. 89, s. 16 (11-14).

Copies of by-laws to be sent to boards and to inspector.

17.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their

Appeal to county council.

school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.

Time for
appeals.

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be.

Appointment
of arbitrators.

(3) The county council may if it thinks fit appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

Appeals in
territorial
districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the Judge of the District Court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the Judge.

(b) The township council at its first meeting after service of such notice upon the township clerk shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The Judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator or shall name some person to act in his stead and notify the inspector in writing of such appointment.

(d) When the board is complete the Judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

When altera-
tions or deter-
mination of
appeal to take
effect—dura-
tion.

(6) The alterations or determination of such matters except as herein otherwise provided shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act.

(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. 9 Edw. VII. c. 89, s. 17. Who may act as arbitrators.

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS.

18.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. Adjustment of claims between members of unions in same township.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act. 9 Edw. VII. c. 89, s. 18. Where more inspectors than one.

SALE OF SCHOOL PROPERTY.

19.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose. Disposal of school property when not required.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section. Application of proceeds where ratepayers transferred from one section to another.

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. 9 Edw. VII. c. 89, s. 19. Application of proceeds in union sections.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

20.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as appli- School sections and union sections confirmed.

cable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who according to the practice of the court in which the proceedings are taken ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

No proceedings
invalidated
unless where
substantial
injustice.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act, applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction
of county or
district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the Judge of the County or District Court of the county or district in which such school section or some part thereof is situate, and the decision of such Judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a Judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the Court or Judge giving the leave shall prescribe.

Appeals
where judge
is arbitrator.

(4) Where the question touches an arbitration or award to which the Judge has been a party, the application shall be heard and determined by the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 9 Edw. VII. c. 89, s. 20.

UNION SCHOOL SECTIONS

What unions
may be formed.

21.—(1) A union school section may be formed between parts of two or more adjoining townships; or a union may be formed between parts of one or more townships and an

adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality. 9 Edw. VII. c. 89, s. 21 (1).

(2) Except where the section is an urban municipality, ^{Corporate name.} the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section numbers in the ." 3-4 Geo. V. c. 70, s. 4.

(3) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the ^{Procedure for formation, alteration or dissolution of union.} municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.

(4) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice ^{Appointment of arbitrators.} of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

(5) A council may act upon a petition addressed to the ^{Petition to council.} councils concerned or to any two or more of them jointly if such petition is signed by five ratepayers of the municipality acting thereon.

(6) Where there would otherwise be an even number of ^{Where even number of arbitrators} arbitrators the Judge of the County or District Court, or some person named by him, shall be added, and where the ^{appointed county judge to act.} arbitration affects two or more counties or districts the Judge of the County or District Court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.

(7) The arbitrators, or a majority of them, may make and ^{Majority award.} publish the award.

(8) The first meeting of the arbitrators shall be called by ^{First meeting of arbitrators.} the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

(9) Where the arbitrators determine upon the ^{Award, what to contain.} formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.

(10) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall ^{Award to set out land transferred.} in their award set forth to what other section such transfer shall be made.

(11) Where the arbitrators determine upon the ^{In case of dissolution.} dissolution of an existing union section, they shall set forth in their

award the section or sections to which the land composing such union section shall be attached.

Reorganizing
union section.

(12) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing pro-
portion of
liabilities.

(13) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment
of claims.

(14) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first
meeting to
elect trustees.

(15) Where a new union section is formed the inspector authorized under subsection 8 to call the first meeting of the arbitrators shall call the first meeting of ratepayers for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take
effect till the
25th of
December
except for
certain
purposes.

(16) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsidera-
tion of union
school section
award.

(17) A union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient; and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the

proceedings shall be the same as in the case of a petition under subsection 3.

(18) Where an award, whether for or against the formation of a new union school section, has not been acted upon ^{New arbitration after three years.} the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

(19) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal ^{New arbitration when award set aside.} or void the proceedings mentioned in subsections 1 and 3 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom.

(20) In a provisional judicial district,

(a) A union school section may be formed of an organized township or part thereof and an unorganized township or locality, or between a town and a part of an organized township or an unorganized township or locality, and may be altered or dissolved, and in such case the petition of the ratepayers of the part of such proposed union section not included in the organized township shall be presented to the inspector.

Case of provisional judicial district.

(b) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the Judge of the district court, or some person named by him and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection.

(21) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 30 has not expired. ^{Alterations of boundaries not to affect power to form unions.} 9 Edw. VII. c. 89, s. 21 (2-20).

(22) When within the period of five years mentioned in subsection 17 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. ^{Alteration or dissolution when assessment materially altered.} 3-4 Geo. V. c. 70, s. 5.

22.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either

Appeal relating to union school within a county.

for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 21.

Appointment
of arbitrators
by county
council.

(2) On receipt of such appeal the county council shall have power to appoint not more than three arbitrators who shall neither be ratepayers in the territory or school section concerned, nor member of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

Calling first
meeting of
arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. 9 Edw. VII. c. 89, s. 22.

Appeal relat-
ing to union
school within
two or more
counties.

23.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies in more than one county the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators.

Powers of
Minister.

(2) The Minister shall have power to alter, determine or confirm such award, or where no award has been made then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

First meeting
of arbitrators.

(3) The first meeting of the arbitrators shall be called by the Minister. 9 Edw. VII. c. 89, s. 23.

Collection
of rates in
union school
sections.

24. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 9 Edw. VII. c. 89, s. 24.

Union sections
as a con-
sequence of
a division
of township.

25. Where a township is divided for municipal purposes all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. 9 Edw. VII. c. 89, s. 25.

Election of
trustees, and
inspection of
union school
sections.

26. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more

school houses then in that municipality within which a school house is situate which has the largest amount of property assessed for public school purposes. 9 Edw. VII. c. 89, s. 26.

27. Where a union school section includes an urban municipality divided into wards and part of an adjoining township the board shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 9 Edw. VII. c. 89, s. 27.

Where township ratepayers to vote when urban municipality divided into wards.

28.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the Judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Where part of a township is annexed to urban municipality.

Arbitration to determine rights.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Effect of award.

(3) The provisions of section 44 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

Issue of debentures.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the Board of Public School Trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section in case the Board has been disbanded, and action may be taken by the township council

Status of the part of a school section which is not annexed.

at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Disposition of
assets and
liabilities
upon union of
municipalities.

(5) Where urban municipalities become united all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 9 Edw. VII. c. 89, s. 28.

MAINTENANCE OF UNION SCHOOLS.

Assessors to
determine
proportion.

29.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies. 9 Edw. VII. c. 89, s. 29 (1).

Where
assessment
materially
altered by
exemptions.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the assessors shall at their next meeting, revise the equalization. 3-4 Geo. V. c. 70, s. 6.

Calling
meeting of
assessors.

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the school-house is situate.

By whom.

(4) Where there are more assessors than one the head of the municipal corporation shall name the assessor who shall act.

Notice of
determination.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

Arbitration
where
assessors
disagree.

(6) When the assessors disagree, the inspector in whose inspectorate the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

When school
section lies
in two
counties.

(7) Where the union section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school-house of the section is situate shall act with the assessors,

(8) The decision of a majority of the arbitrators shall be ^{Duration of decision of assessors.} final and conclusive until the next equalization of assessments takes effect.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed. ^{Reconsideration of award.}

(10) The costs of proceedings under this section, including ^{Cost of assessors and arbitrators.} the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 9 Edw. VII. c. 89, s. 29 (2-9).

CONFIRMATION OF BY-LAWS AND AWARDS.

30.—(1) A by-law of a municipal council for forming, ^{Certain by-laws and awards to be valid unless notice to quash given.} altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years, or, in case of a consolidated school section, for a period of at least three years, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.

(2) Such by-law or award shall be deemed to be published ^{What deemed publication of by-law.} when a copy thereof is served upon the secretary of each board of trustees affected thereby. 9. Edw. VII. c. 89, s. 30.

(3) Where within the period of five years mentioned in subsection 1 the assessment of a school section is materially ^{Re-adjustment when assessment materially altered.} altered by reason of any land therein becoming exempt from taxation for school purposes the council may notwithstanding the provisions of subsection 1 make such readjustment of the school section as may be deemed requisite. 3-4 Geo. V. c. 70, s. 7.

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE.

31.—(1) Where it appears to the Minister that owing to ^{Establishment of second school.} the provisions of subsection 1 make such readjustment of the any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section.

Determining months in which second school to be open.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

Grant.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Attendance at school when second school closed.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 9 Edw. VII. c. 89, s. 31.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of school sections.

32.—(1) The inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section.

Limits of section.

(2) The section shall not, in length or breadth, exceed five miles, and, subject to this restriction, the boundaries may be altered by the inspector from time to time.

Petition.

(3) A school section shall not be formed or altered except on the petition of five heads of families resident within the territory affected.

Inspector may transfer land to contiguous school section.

(4) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. 9 Edw. VII. c. 89, s. 32 (1)-(4).

Exemption from rate on account of distance.

(5) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance, nor to the lands of non-residents, nor to the lands of residents in the section who have no children of school age. 9 Edw. VII. c. 89, s. 32 (5); 1 Geo. V. c. 17, s. 55 (2).

Election of school trustees.

(6) After the formation of a section any two of the petitioners may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint

a time and place for a meeting for the election of three school trustees for the section.

(7) The trustees elected at such meeting, or at any subsequent school meeting of the section, shall have the powers ^{Trustees' powers and obligations.} and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. 9 Edw. VII. c. 89, s. 32 (6), (7).

33.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall ^{Sections to be divided into groups.} notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance. ^{Court of Revision.}

(3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. 9 Edw. VII. c. 89, s. 33. ^{When inspector to act as court of revision.}

34.—(1) The board shall, annually, at their first meeting and not later than the first day of March in each year appoint an assessor, who may be one of themselves, to prepare an annual assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision. ^{Annual assessment roll.}

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed. ^{Notice of assessment.}

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto ^{The Assessor to make oath.}

Rev. Stat.
c. 195.

a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Return of
roll.

(4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made.

Appeal
against
assessment.

(5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up
notice.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers.

Manner of
appeal.

(7) Subject to the provisions of clauses (a) and (b), all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeals shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School census.

(8) The assessor when making his assessment shall enter in a book to be provided by the board the name, age and residence of every child between the ages of 8 and 14 years resident in the section and the name and residence of such child's parent or guardian and shall with the assessment roll return the book to the secretary.

Census of per-
sons entitled to
attend school.

(9) The assessor shall make a census of all the children in the section between the ages of 5 and 16 years and between the ages of 5 and 21 years and shall make a return thereof to the secretary with the assessment roll; and the secretary shall include the same in his annual report to the inspector.

Confirmed
roll binding.

(10) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. 9 Edw. VII. c. 89, s. 34.

Assessment of
portion of
unorganized
township
forming, with
organized
municipality,
a union
school section.

35.—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such

other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. 9 Edw. VII. c. 89, s. 35.

(2) Where a union section is composed of a town in : Idem.
provisional judicial district and of a portion of any other Where joined with a town in a judicial district.
organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. 2 Geo. V. c. 76, s. 5.

36.—(1) In unorganized townships the board of a section may issue debentures for the purchase of a school site and the erection of a school-house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section. Issuing debentures for school sites and houses. Rev. Stat. c. 192.

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 9 Edw. VII. c. 89, s. 36. Signing and sealing debentures.

(3) The Lieutenant-Governor in Council may for and in the name of the Province guarantee the payment of any debentures issued by a school board under the authority of this section. 3-4 Geo. V. c. 70, s. 8. Provincial guarantee of such debentures.

37.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector. Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*. Powers and liabilities of school collector. Rev. Stat. c. 195.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or Return of arrears of taxes in unorganized territory.

district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Entry in
sheriff's book.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments of
arrears there-
after.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When arrears
to be paid to
sheriff.

(6) After the expiration of such period all such arrears shall be payable to the sheriff who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land
for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 9 Edw. VII. c. 89, s. 37.

SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in
unsurveyed
districts.

38.—(1) In any part of Ontario not surveyed into townships five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the
Minister of
Education.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes the Minister may pay over to the trustees, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 9 Edw. VII. c. 89, s. 38.

EXEMPTIONS.

39. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 9 Edw. VII. c. 89, s. 39. Exemption by-laws not to include school taxes.

RETURN OF ANNUAL CENSUS.

40.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the first day of April in each year. Clerks to make returns of population.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 9 Edw. VII. c. 89 s. 40. Clerk to furnish inspector with school statistics.

41.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the number of children between the ages of five and sixteen years in each section, and the cost of preparing this statement shall be paid by the board applying for the same. Clerk to give copy of assessment to inspector.

(2) The clerk of every township in which a section is situated which is wholly or in part united to an urban municipality, shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section. 9 Edw. VII. c. 89, s. 41. Statement to be furnished to urban municipality by clerk of township.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

42. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 9 Edw. VII. c. 89, s. 42. Apportionment of school money by township councils.

BORROWING POWERS.

In Urban Municipalities.

Debentures
for school
purposes.

43.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes:

- (a) The purchase or enlargement of a school site;
- (b) Obtaining and conveying, from beyond the school premises if necessary, a supply of water;
- (c) The erection of a school-house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;
- (d) Repairs or improvements of the school property;
- (e) The purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 9 Edw. VII. c. 89, s. 43 (1); 2 Geo. V. c. 76, ss. 6, 7.

Chargeable
only on pro-
perty of
public school
supporters.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools. 9 Edw. VII. c. 89, s. 43 (2).

Submission
of question
to vote of
electors.

Rev. Stat.
c. 192.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools, in the manner therein provided. and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures; and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 9 Edw. VII. c. 89, s. 43 (3); 2 Geo. V. c. 76, s. 7.

Form and
term of
debenture.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Municipal Act*.

Rev. Stat.
c. 192.

Where applica-
tion is made
by urban
board and
part of
township
attached.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section. 9 Edw. VII. c. 89, s. 43 (4-5).

Where money
borrowed
proves
insufficient.

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money

required for such purposes; and all the provisions of this section shall apply to such by-law. 3-4 Geo. V. c. 70, s. 9.

In Rural Sections.

44.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the ^{Township school} debentures. next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the school-house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality. ^{To what council applications for loans to be made.}

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1. ^{Sanction by ratepayers.}

(4) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of a union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest, as it comes due according to its or their liability as determined by section 29. ^{Municipality forming part of union to pay its proportion.}

(5) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section. ^{How payable.}

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section. ^{Expenses of publishing by-laws.}

(7) Notwithstanding any alteration which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was affected shall continue to be liable for the rate which may be levied for the repayment of the loan. 9 Edw. VII. c. 89, s. 44. ^{Liability for loan where boundaries altered.}

45.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school-house, or an addition thereto, or a teacher's residence ^{School property may be paid for by one special rate.}

Council not to levy more than one rate except in certain cases.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 9 Edw. VII. c. 89, s. 45.

School corporations may borrow surplus moneys.

46. A rural school board may, with the consent of the rate-payers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school-house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 9 Edw. VII. c. 89, s. 46.

RATES.

Councils to levy sums required by trustees.

47.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act, and in *The municipal Act*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

Rev. Stat. c. 192, 195,

And to account for same.

(2) Every municipal council shall annually account for all moneys collected for public school purposes, and pay over the same to the school board of the municipality of the section.

Excess to be credited to school board.

(3) Where the municipal council collects from the public school supporters of any municipality or of a school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or section such excess shall be credited to and paid over to the board on whose account it has been collected.

Establishment of libraries.

(4) The council of every municipality may, in addition to the sums required by a board to be collected, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools, or continuation schools or fifth classes within such municipality, or for supplementing teachers' salaries or retiring allowances.

Correction of errors in collection of rates in previous years.

(5) Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property

shall escape from or be compelled to pay more than its proper proportion of the rate. 9 Edw. VII. c. 89, s. 47.

RURAL SCHOOL SECTIONS.

48.—(1) Where not already so subdivided the municipal ^{School} council of every township shall subdivide the township into ^{sections in} school sections so that every part of the township shall be ^{townships.} included in some section, and shall distinguish each section by a number.

(2) Where the land or property of any person is situate ^{Assessors to} within the limits of two or more sections the parts so situate ^{value lands} shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within ^{situate in} the limits of which the same are situate. ^{each section.}

(3) No section shall be formed which contains less than ^{Area of new} fifty children between the ages of five and twenty-one years ^{school sections.} whose parents or guardians are residents of the proposed section unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

(4) Every township clerk shall prepare in triplicate a school ^{Township} map of the township showing the divisions of the township ^{clerk to pre-} into school sections and parts of union school sections; and ^{pare maps of} shall furnish one copy to the county clerk, for the use of the ^{school sections.} county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 9 Edw. VII. c. 89, s. 48.

RURAL SCHOOL TRUSTEES.

49.—(1) The trustees of every rural school section shall be ^{Trustees to be} a corporation by the name of "The Public School Board of ^{corporation.} Section No. of the Township of in the County of ,” (inserting the number of the section and the names of the township and county).

(2) For every rural school section there shall be three ^{Trustees, term} trustees each of whom, in rotation, shall, except as herein other- ^{of office of.} wise provided, hold office for three years and until his successor has been elected.

Trustees,
qualification
of.

Rev. Stat.
c. 192.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or resident farmers' sons, within the meaning of *The Municipal Act*, of the full age of twenty-one years, not disqualified under this Act, and no person not so qualified shall be elected or competent to act as trustee. 9 Edw. VII. c. 89, s. 49.

Elections in
new sections.

50.—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first
year to be
deemed to
commence
and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 9 Edw. VII. c. 89, s. 50.

Corporation
not to cease
by want of
trustees.

51. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two ratepayers of the section, or the inspector, by giving six days' notice to be posted up in at least three of the most public places of the section, may call a meeting of the ratepayers who shall elect three trustees in the manner prescribed by this Act. 9 Edw. VII. c. 89, s. 51.

Council may
appoint
trustees when
no election.

52.—(1) Where the ratepayers of a section for two years neglect or refuse to elect trustees the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the ratepayers, and may fill the vacancies on the board so long as the ratepayers neglect to do so. 9 Edw. VII. c. 89, s. 52 (1).

Dissolution of
school section
on non-
election of
trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the Judge of the County or District Court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council. 9 Edw. VII. c. 89, s. 52 (2); 1 Geo. V. c. 17, s. 55 (3).

Disposal of
assets at
dissolution
of section.

MEETINGS OF RATEPAYERS.

Annual meet-
ing, when
held.

53.—(1) A meeting of the ratepayers of every section for the purpose (among other things) of electing trustees shall

be held annually on the last Wednesday in December, commencing at the hour of ten o'clock in the forenoon, or if the Board by resolution so directs at the hour of seven o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution at the school house of the section. 9 Edw. VII. c. 89, s. 53 (1); 1 Geo. V. c. 17, s. 55 (4).

(2) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

(4) At any time after the election of trustees in a new school section proceedings may be taken under the provision of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

(5) When any school meeting has not been held at the proper time the inspector, or any two ratepayers in the section, may call a meeting of the ratepayers by giving six clear days' notice to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

(6) The ratepayers present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order subject to an appeal to the meeting.

(8) The business of every school meeting may be conducted in the following order:—

(a) Receiving the annual report of the trustees and disposing of the same;

(b) Receiving the annual report of the auditor and disposing of the same;

(c) Electing an auditor for the ensuing year;

(d) Miscellaneous business;

(e) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(f) The election of trustees. 9 Edw. VII. c. 89, s. 53.

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Granting poll. **54.**—(1) A poll may be demanded by any two ratepayers at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Proceeding in case of a poll. (2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the ratepayers offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name.

Poll-book. (3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall write therein the name and residence of each ratepayer voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question.

When voter is objected to. (4) If objection is made to the right of any person to vote the chairman, if the name of such person appears on the assessment roll or on Part I. or Part II. of the Voters' List, shall require such person to make the following declaration:

Declaration by voter. (1) I, A. B., declare and affirm that I am an assessed ratepayer (or farmers' son entitled to vote under *The Municipal Act*), in school section No.

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the public school in said school section No. ; *or, in case of a claim to vote as a farmers' son that my father (mother, step-father, step-mother, as the case may be) is a supporter of the public school in said school section No. , and that I have been a resident of said section for the past six months].*

(4) That I have a right to vote at this election.

After making such declaration the person making it shall be entitled to vote.

When poll shall close. (5) The poll shall not close before noon but may close at any time thereafter when a full hour elapses without any

vote being polled, and shall not be kept open later than four o'clock in the afternoon. 9 Edw. VII. c. 89, s. 54 (1-5).

(6) When the meeting is held at seven o'clock in the evening the ratepayers may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning; and if conducted in the evening the poll shall close after ten minutes has elapsed without any vote being recorded. 1 Geo. V. c. 17, s. 55 (5). ^{Polling at evening meeting.}

(7) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote. ^{Counting votes—casting vote.}

(8) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. ^{Declaration of result.}

(9) A correct copy of the minutes of every school meeting and a copy of the poll-book where a poll has been taken, of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. ^{Copy of minutes and poll-book for inspector.}

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. ^{Acceptance of office by trustees.}

(11) Where complaint is made to the inspector by a ratepayer that the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. ^{Complaints as to elections.}

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investiga- ^{Clerk to supply list of school voters.}

tion with regard to the election of a trustee or the proceedings of a school meeting. 9 Edw. VII. c. 89, s. 54 (6-11).

URBAN SCHOOL BOARDS.

Board to be a corporation. **55.**—(1) Every board in urban municipalities shall be a corporation by the name of “The Public School Board,” prefixing to the words “Public School Board” the name of the municipality for which the board is elected.

Who may be elected trustees. (2) Any ratepayer who is a British subject resident in the municipality of the full age of twenty-one years and not disqualified may be elected a public school trustee, and every trustee except as otherwise herein provided shall continue in office until his successor has been elected and the new board organized, and no person who is not a British subject shall be elected or competent to act as trustee. 9 Edw. VII. c. 89, s. 55.

First election of trustees. **56.**—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

First meeting in newly incorporated village. (2) Where an unincorporated village becomes incorporated the board shall call a meeting of the ratepayers within one month after the date of the incorporation for the election of a new board.

Procedure for calling meeting. (3) In calling the meeting the provisions of section 60 shall be complied with so far as the same are applicable. 9 Edw. VII. c. 89, s. 56.

Municipalities Divided into Wards.

Trustees in city, etc., divided into wards. **57.**—(1) For every ward into which an urban municipality is divided there shall be two trustees each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized.

Retirement by rotation. (2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one if them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 9 Edw. VII. c. 9, s. 57.

Municipalities not divided into Wards.

58.—(1) The board of a town or village not divided into wards shall consist of six trustees each of whom, except as ^{Trustees in villages not divided into wards.} otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized.

(2) After the first election three of the board, to be de- ^{Retirement by rotation.} termined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. 9 Edw. VII. c. 89, s. 58.

QUALIFICATION OF VOTERS.

59.—(1) Every ratepayer of the full age of twenty-one ^{Who may vote.} years who is assessed as a public school supporter in an urban municipality or in a school section, as the case may be, and every person qualified to vote as a farmer's son under *The Municipal Act*, shall be entitled to vote at the election of school trustees and in a rural school section on all school questions. ^{Rev. Stat. c. 192.}

(2) Any person exempted from the payment of school rates wholly or in part on account of indigence shall be dis- ^{No vote when exempted from school rates.} qualified from voting. 9 Edw. VII. c. 89, s. 59.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

60. Subject to the provisions of section 61 elections of ^{Provisions for elections of trustees.} public school trustees in urban municipalities shall be held in the manner following:—

(a) A meeting of the ratepayers for the nomination of ^{Nominations.} candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs.

(b) The board shall by resolution before the second ^{Returning officer.} Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting.

(c) If at such meeting only the necessary number of can- ^{Proceedings at nominations.} didates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and

shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next when a poll or polls shall be opened at such place or places, and in each ward where the municipality is divided into wards, as shall be determined by resolution of the board.

Hours of
polling.

- (d) The polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

Furnishing
voters' list
in cities and
towns divided
into wards.

- (e) In urban municipalities and where township boards exist the clerk of the municipality shall furnish to the board, within three days after the request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools, and also a list of the names alphabetically arranged, of all ratepayers who are not already upon "The Voters' List."

For each
polling place.

- (f) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officer, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated, and shall write the names and residences of the ratepayers offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name.

Entries in
poll-book.

- (g) When an objection is made to the right of a person to vote the returning officer or deputy returning officer shall require such person to make the following oath:

Oath to be
administered
when voter
objected to.

Form of oath. You swear (or solemnly affirm) that you are the person named (or intended to be named) in the list (or supplementary list) of voters now shown to you (showing the list to voter);

That you are a ratepayer;

That you are the full age of twenty-one years.

That you are a public school supporter;

That you have not voted before for School Trustee at this election, either at this or any other polling place in this Ward (or in this Municipality where the municipality is not divided into wards) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God;

And after making such oath the person making it shall be entitled to vote.

- (h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer; Duty of returning officer after close of election.
- (i) The secretary shall add up the number of votes for each candidate as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them; Duty of secretary.
- (j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of such candidates shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election. 9 Edw. VII. c. 89, s. 60. Casting vote.

ELECTION BY BALLOT.

61.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected as the case may be. Elections of trustees on same day as municipal elections.

Trustees may discontinue use of ballot at elections.

(2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 60.

Ballot not to be discontinued or resumed for three years after the change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 60 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(4) Where notice is given requiring the election to be held by ballot such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignations of persons nominated, vacancies, and declarations of qualification and office, shall *mutatis mutandis* apply to the election.

Rev. Stat. c. 192.

Form of ballot papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 9 Edw. VII. c. 89, s. 61.

Election of trustees where wards abolished.

62.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

By vote of electors of whole municipality.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

Retirement of trustees by rotation.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation.

Filling vacancies.

Election of trustees when council elected by general vote.

(4) In cities and, until a resolution has been passed under the next preceding subsection, in towns the trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and not by wards.

(5) Where the trustees are elected by ballot the election ^{Vote by ballot.} shall be conducted as nearly as may be in the manner provided in the preceding provisions of this section, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town.

(6) Where the election is not by ballot it shall be conducted ^{Open voting.} as nearly as may be in accordance with the provisions of section 60. 9 Edw. VII. c. 89, s. 62.

VACANCIES ON BOARD.

63.—(1) Where the office of trustee becomes vacant from ^{Vacancy in office of trustee.} any cause the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

(2) In the case of an urban municipality if such vacancy ^{Special case.} occurs within three months of the expiry of the term of office the remaining trustees may allow the office to remain vacant until the next ensuing annual election. 9 Edw. VII. c. 89, s. 63.

CONTROVERTED ELECTIONS.

64.—(1) Every complaint respecting the validity or mode ^{Investigation of complaints by judge.} of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the Judge of the County or District Court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence.

(2) The Judge may confirm the election or set it aside, or ^{Powers of judge.} declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the Judge determines that any other person was duly elected he may order such person to be admitted; and if the Judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 9 Edw. VII. c. 89, s. 64.

65. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Municipal Act*, as to bribery ^{Bribery and undue influence.} and undue influence shall apply, and in every case in which ^{Rev. Stat. c. 192.}

an election is complained of on those grounds the enquiry by the Judge in reference thereto shall be by oral testimony only. 9 Edw. VII. c. 89, s. 65.

RESIGNATIONS.

Trustees may resign.

66.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Re-election of any trustee lawful.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

Urban trustee may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

Trustees resigning but continuing to act.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 9 Edw. VII. c. 89, s. 66.

MEETINGS OF BOARDS.

First meeting of board.

67.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

Chairman.

(2) The secretary shall preside at the election of chairman, or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Casting vote.

(3) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Quorum.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting and a vote of the majority of such quorum shall be necessary to bind the corporation.

Equality of votes.

(5) On every question other than the election of a chairman the chairman or presiding officer of the Board may vote with the other members of the Board, and any question on which there is an equality of votes shall be deemed to be negatived. 9 Edw. VII. c. 89, s. 67.

Organization of board at first meeting.

68.—(1) Subject to the provisions of subsection 4 of section 53, every rural school board shall hold its first meeting

in each year at the school house of the section on the Wednesday following the annual meeting at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

(2) Subsequent meetings shall be held at such time and place ^{Subsequent meetings.} as the board may deem expedient.

(3) The presence of a majority of the members constituting ^{Quorum.} a board shall be necessary to form a quorum. 9 Edw. VII. c. 89, s. 68.

69. No act or proceeding of a rural school board which is ^{Regularity of proceedings.} not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. 9 Edw. VII. c. 89, s. 69.

NON-RESIDENT PUPILS.

70.—(1) The board shall admit to the school any non-re- ^{Admission of non-resident pupils.} sident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance the decision of the inspector shall be final.

(2) The parent or guardian of such non-resident pupil shall ^{Fees of non-resident pupils.} pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost of the instruction of the pupils of such school.

(3) The parent or guardian shall be liable for the payment ^{A resident of one section sending his children to another section.} of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section.

(4) Where the property of a non-resident is assessed for an ^{Attendance of children of non-residents.} amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents.

(5) Where the children attending a neighbouring section re- ^{Remission of school tax where certain fees paid.} side three miles or more by the nearest public road from the school house in the section to which they belong the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section.

(6) A person of school age maintained in a county house of ^{Pupils in house of refuge.} refuge shall be deemed to be a non-resident and the county council shall pay to the board of the school attended by such

person such monthly fees as may be agreed upon, or at least the average cost of the instruction of the pupils of such school. 9 Edw. VII. c. 89, s. 70.

Providing for admission of pupils from rural school section to urban or Indian schools.

71.—(1) The ratepayers of a rural section may by resolution at the annual or any special meeting authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of section 92 and 93.

Payment of fees and expenses of conveying pupils to and from school.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient or as may be required by this Act.

Non-resident pupils not to be counted in fixing proportion of grant.

(3) In ascertaining the average attendance of pupils at an urban school for the purpose of apportioning the legislative grant the pupils attending such school under the provisions of subsection 1 shall not be included.

Expenses payable by township.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 92 and subsections 1 and 2 of section 93, to be levied, collected and applied to teachers' salaries.

Share of grants.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 9 Edw. VII. c. 89, s. 71.

Agreement between school board of city and board of contiguous rural section for joint use of rural school.

72.—(1) The board of education or board of public school trustees in any city may agree with the board of public school trustees of a school section adjacent to the boundaries of the city for the erection, equipment and maintenance of a school in the school section for the joint accommodation of pupils from the school section and from any designated area in the city contiguous to the section.

Terms of agreement.

(2) The agreement shall fix the location of the school, the class of building to be erected, the accommodation to be provided and the proportion of the cost of erecting and maintain-

ing the school to be contributed by the city and the rural school section respectively.

(3) The board of education or board of public school trustees of the city shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the city as part of the rate levied for public school purposes in the city. Estimates of urban board to include cost.

(4) The agreement shall not be binding or be acted upon until it has received the approval in writing of the Minister. Agreement to be approved by Minister.

(5) If after the agreement has been entered into the rural school section or the part thereof in which the school is situated is annexed to the city, the school site and buildings and property used in connection therewith shall vest in the board of education or board of public school trustees of the city, and all payments made by such board towards acquiring a site, erecting buildings or making permanent improvements shall be taken into consideration in fixing the amount to be paid by the board for the school. Matters consequent upon annexation of section to city.

(6) The Minister may make regulations in the manner provided by *The Department of Education Act*, for the apportionment of the legislative and municipal grant in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such school out of the Legislative grant for rural and urban schools respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. 1 Geo. V. c. 17, s. 55 (6). Regulations. Rev. Stat. c. 265.

DUTIES OF TRUSTEES

73. It shall be the duty of the boards of all public schools and they shall have power,— Duties of Board.

- (a) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board, and to appoint such committees, officers and servants as may be deemed expedient; Appointment of officers.
- (b) To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the Regulations; To fix meetings of the board.
- (c) In the case of a rural school board, at the first meeting of the board to examine the school house, buildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the Inspection of school property at first meeting of board.

school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide accommodation.

- (d) To provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

Rev. Stat. c. 270.

To provide and maintain school premises.

- (e) To acquire or rent school-sites and premises, and to build, repair, furnish and keep in order the school-houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition;

To procure books and appliances.

- (f) To procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries;

To determine number and kind of schools, etc.

- (g) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed and their remuneration and rank, whether principals or assistants; 9 Edw. VII. c. 89, s. 72 (a-g).

To keep school open and establish classes, etc.

- (h) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and if deemed expedient to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vacation schools; 9 Edw. VII. c. 89, s. 72 (h); 2 Geo. V. c. 76, s. 8.

Rural school—reporting deaf, dumb and blind.

- (i) In the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would otherwise be required to attend the school under their charge; 3-4 Geo. V. c. 70, s. 10.

Dental and medical inspection.

- (j) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper;

Dismissal of refractory pupils.

- (k) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils;

- (l) If deemed expedient, to purchase for the use of ^{Books and school supplies.} pupils text books and other school supplies, and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof;
- (m) If deemed expedient, to exempt any indigent person ^{Exemption of indigent persons from school rates.} from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the first day of August, and where deemed necessary to provide for the children of such person text-books and other school supplies at the expense of the board;
- (n) To provide and pay, in the case of urban schools, ^{Urban boards to pay officials and maintenance expenses.} salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board;
- (o) To submit to the municipal council, on or before the ^{To lay before council estimates for moneys.} first day of August or at such time as may be required by the council, an estimate for the current year of the expenses of the schools under their charge;
- (p) To provide, in the case of rural schools, for the pay- ^{Payment of teachers' salaries.} ment of a secretary's and teachers' salaries quarterly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding six per cent. per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected;
- (q) To submit, in the case of urban municipalities, all ^{To publish auditors' report.} accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors with their findings and recommendations;
- (r) To take possession of all property acquired or given ^{Custody and disposal of school property.} for public school purposes and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act;

Supplement-
ing super-
annuation
allowances.

(s) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers;

Execution of
teachers'
agreements.

(t) To execute the agreement with each teacher required by subsection 1 of section 87, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of school
house.

(u) To permit the school house and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

Evening
lectures.

(v) If deemed expedient, and subject to the Regulations, to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof;

Dismissal of
secretary or
treasurer.

(w) If deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy;

Penny Sav-
ings Banks.

(x) If deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 9 Edw. VII c. 89, s. 72 (i)-(w).

Employing
teachers in
charitable
institutions.

74. The board of a city, when so requested in writing by a charitable organization having the charge of children of school age, may employ teachers for such children and may furnish for their use all school supplies and such children shall be considered public school pupils and shall be subject to the provisions of this Act. 9 Edw. VII. c. 89, s. 73.

Grant for
encourage-
ment of
physical
training.

75.—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging gymnastics and other athletic exercises but such sums shall not exceed \$200 per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance. 9 Edw. VII. c. 89, s. 74 (1); 2 Geo. V. c. 76, s. 9.

Military
uniforms.

(2) The board may also provide uniforms for classes in military drill.

Consolidation
of funds for
games.

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. 9 Edw. VII. c. 89, s. 74 (2)-(3).

76. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. 3-4 Geo. V. c. 70, s. 11.

DUTIES OF TREASURER.

77.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

Travelling expenses attending teachers' association.
Security to be given by secretary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money.

Trustees not to be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 9 Edw. VII. c. 89, s. 75.

Duties.

DUTIES OF SECRETARY.

78. It shall be the duty of the secretary:—

(a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting;

Duties of secretary.
Minutes of meetings.

(b) To call a special meeting of the board at the request in writing of two trustees or of ten ratepayers, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same;

Calling special meetings.

(c) In the case of a rural section, to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Names and addresses of trustees and teachers to be given to township clerk.

(d) In the case of a rural section, to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board or on the request in writing of ten ratepayers for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or

Notice of annual meeting and meetings to fill vacancies in board, etc.

Report at
annual
meeting.

more public places in the section at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Annual and
semi-annual
returns.

- (*e*) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. 9 Edw. VII. c. 89, s. 76.

Compensation
of secretary-
treasurer.

79. The secretary of a rural school section may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees. 9 Edw. VII. c. 89, s. 77.

AUDITORS OF RURAL SECTIONS.

Auditors.

80.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

Filling
vacancies.

(2) Where an auditor dies or refuses or is unable to act another may be elected or appointed in his place.

Appointment
by inspector.

(3) If from any cause at any time after the first day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Trustees and
secretary-
treasurer to
lay accounts,
etc., before
auditors.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

Time of audit.

(5) The auditors, or one of them, shall on or immediately after the first day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Auditors for
consolidated
school.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. 9 Edw. VII. c. 89, s. 78.

81.—(1) It shall be the duty of the auditors to examine ^{Duties of auditors.} into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

(2) Any difference of opinion between the auditors on any ^{Differences between auditors.} matter in the accounts shall be decided by the inspector.

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, ^{Report of objections.} which may either determine the same or submit it to the Minister, whose decision shall be final. 9 Edw. VII. c. 89, s. 79.

82. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their ^{Powers of auditors.} witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. 9 Edw. VII. c. 89, s. 80.

83. An auditor who has entered upon an audit may complete the same although he has not done so within the time ^{May complete audit after time prescribed.} prescribed by this Act. 9 Edw. VII. c. 89, s. 81.

DUTIES OF TEACHERS.

84. It shall be the duty of every teacher,—

(a) To teach diligently and faithfully the subjects in the ^{instruction and discipline.} public school course of study as prescribed by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

(b) To use the English language in instruction and in all ^{Use of English language.} communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

(c) To see that the school house is ready for the reception of pupils at least fifteen minutes before the ^{Duties in and about the schoolhouse, registers, etc.} time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspection

tor, trustees and visitors access at all times to the register and visitors' book; and to deliver the register, the school house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;

Classification
of scholars
and conduct
of classes.

- (d) To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectorate; to notify the board and inspector of his absence from school and the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

Examinations.

- (e) To hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;

Information
for Minister
and inspector.

- (f) To furnish to the Minister and the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations;

Care of health
of pupils.
Preservation
of school
property.

- (g) To give assiduous attention to the health and comfort of the pupils; to the cleanliness, temperature and ventilation of the school house; to the care of all maps, apparatus and other school property; to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings;

Infectious
diseases among
pupils.

- (h) To refuse admission to the school of any pupil who he believes is affected with or exposed to chicken pox, small pox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption, until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all

danger from exposure to contact with such pupil has passed;

- (i) To suspend any pupil guilty of persistent truancy, ^{Disciplinary powers.} or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 9 Edw. VII. c. 89, s. 82.

85. A teacher who refuses to deliver to the board any visi- ^{Refusal to give up key, etc.} tors' book, school register, school-house key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 9 Edw. VII. c. 89, s. 83.

CHANGE OF AUTHORIZED TEXT-BOOKS.

86. An authorized text-book in actual use may be changed ^{Change of text-book.} by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. 9. Edw. VII. c. 89, s. 84.

AGREEMENTS.

87.—(1) Every agreement between a board and a teacher ^{Valid agree-ments with teachers.} shall be in writing signed by the parties thereto and sealed with the seal of the board.

(2) No person shall be employed or act as a teacher unless ^{Qualified teacher defined.} he holds a certificate of qualification.

(3) Unless otherwise expressly agreed, a teacher shall be en- ^{Proportion of salary to which teacher entitled.} titled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 9 Edw. VII. c. 89, s. 85 (1-3).

(4) Every teacher shall be entitled to his salary notwith- ^{Case of sick-ness or dental treatment.} standing his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the Board without a certificate. 9 Edw. VII. c. 89, s. 85 (4); 1 Geo. V. c. 17, s. 56 (2).

(5) If at the expiration of a teacher's engagement his ^{Protection of teachers in regard to salary.} salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, if an-

action to recover it is commenced within three months after the salary is due and payable. 9 Edw. VII. c. 89, s. 85 (5); 3-4 Geo. V. c. 70, s. 13.

Provision in case of difference between teacher and trustees.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act.

When judge may relieve board from extra liability.

(7) If it appears to the Judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by subsection 5, in whole or in part. 9 Edw. VII. c. 89, s. 85 (6-7).

TEACHERS' CERTIFICATES.

Several classes of certificates.

88.—(1) Subject to the Regulations any British subject of good moral character and physically fit to perform the duties of a teacher and who passes the examination prescribed by the Regulations, may be awarded a certificate of qualification as a teacher according to the Regulations.

Former certificates continued.

(2) Certificates granted before the 15th day of February, 1871, shall remain in force according to the terms of the Act under which they were granted.

First-class valid.

(3) First-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, be valued throughout Ontario during good conduct.

Second class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted.

Term of certificates generally.

(5) All other certificates shall be valid for such periods as the Regulations prescribe.

Suspension of certificate for misconduct, etc.

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board, and he shall notify in writing the Minister, the board concerned and the teacher of such suspension and of the reasons therefor.

Appeal to Minister.

(7) The teacher may appeal to the Minister who may make such order or orders with regard to the suspension as he deems proper. 9 Edw. VII. c. 89, s. 86.

TEACHERS' INSTITUTES.

Organization of teachers' institutes.

89.—(1) Subject to the Regulations, teachers may organize themselves into Teachers' Institutes for the purpose of receiv-

ing instruction in methods of teaching and for discussing educational methods. 2 Geo. V. c. 76, s. 10.

(2) The Minister may out of any money appropriated for ^{Aid to teachers' institutes by the Legislature and equivalent from municipalities.} that purpose apportion \$25 to each teachers' institute so organized, and conducted according to the Regulations, where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and the council of each county, city, or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned.

(3) If the teachers in an inspectorate composed of a city ^{City and county sharing.} and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates. 3-4 Geo. V. c. 70, s. 13.

(4) In territory without county organization the Minister ^{In the districts.} may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. 9 Edw. VII. c. 89, s. 87 (3).

LEGISLATIVE AND MUNICIPAL GRANTS.

90.—(1) With respect to all moneys received by him from ^{Who to be sub-treasurer.} the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned ^{Treasurers of cities and separated towns to receive grants.} to the city or town and shall hold the same for school purposes subject to the order of the board.

(3) The treasurer and sub-treasurer and their sureties shall ^{Responsibility of treasurer and sureties.} be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. 9 Edw. VII. c. 89, s. 88.

91.—(1) The treasurer of every county except where he ^{County treasurer to pay legislative grant to township treasurers.} acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

Township
treasurer's
duties as to
grants.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

Where county
treasurer is
sub-treasurer.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement
to be sent
with grant.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

Payment on
inspector's
warrant.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. 9 Edw. VII. c. 89, s. 89.

County rate in
aid of schools.

92.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned. 9 Edw. VII. c. 89, s. 90 (1); 2 Geo. V. c. 76, s. 12; 3-4 Geo. V. c. 70, s. 14 (1).

County to
raise equi-
valent to
legislative
grant for fifth
classes.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. 9 Edw. VII. c. 89, s. 90 (2); 3-4 Geo. V. c. 70, s. 14 (2).

Apportion-
ment where
section in
two or more
counties.

(3) In case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 1 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate. 3-4 Geo. V. c. 70, s. 14 (3).

Apportion-
ment of school
moneys in
united
counties.

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public

and separate schools within such county. 9 Edw. VII. c. 89, s. 90; 3-4 Geo. V. c. 70, s. 14 (4).

93.—(1) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in a township in a county is at least equal to an average assessment of \$30,000 for each section therein the council of such township shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, the sum of \$300 at least for every public school where the teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer, and the additional sum of at least \$200 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum for every assistant teacher engaged for one school term or longer.

(2) In a county where such assessed value is less than an average assessment of \$30,000 for each public school section in a township, and in a township in territory without county organization whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries.

(4) In the case of a union school section formed of parts of townships the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

(5) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29. 9 Edw. VII. c. 89, s. 91.

94. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively.

tively by the county, the township or townships, and the rate-payers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. 9 Edw. VII. c. 89, s. 92.

Amounts required to be raised to be paid over as required.

95. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 9 Edw. VII. c. 89, s. 93.

Consolidated schools.

96. Where two or more school sections are consolidated all the teachers in the consolidated school, for the purposes of sections 92 to 94 shall be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections shall be deemed assistant teachers. 9 Edw. VII. c. 89, s. 94.

INSPECTORS.

Number. Limits of Inspectorates.

Minister to determine number of inspectors.

97.—(1) The Minister shall determine the number of inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient may direct the appointment of additional inspectors in a county or city. 9 Edw. VII. c. 89, s. 95 (1); 3-4 Geo. V. c. 70, s. 15.

Power of Minister to make appointments.

(2) Where the council of a county, or the board of education or the board of public school trustees of a city or separated town fails to appoint the number of inspectors which the Minister has determined that there should be appointed for the county, city or separated town, the Minister may appoint them; and the salary and expenses of any inspector so appointed shall be provided for and paid in the same manner as if he had been appointed by the council or school board.

When Minister may make appointments.

(3) No such appointment shall be made by the Minister until, in the case of a county, one month after the first meeting of the council after notice of the determination of the Minister, and, in the case of a city or separated town, within one month after the first meeting of the school board after such notice. 3-4 Geo. V. c. 70, s. 17.

Where two inspectors appointed for a county or city.

(4) Where more inspectors than one are to be appointed for a county or for a city, the county council or the Board of Education or Board of Public School Trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, or in the case of a city may, subject to the like approval, assign such duties in addition to those prescribed by the Regulations to each inspector as the board may deem expedient. 9 Edw. VII. c. 89, s. 95 (2); 3-4 Geo. V. c. 70, s. 16.

(5) There shall not, without the consent of the Minister, be assigned to an inspector the duty of making a greater or a less number of visits of inspection than the number of such visits which according to the Regulations may be assigned to one inspector. Duties assigned to inspector.

(6) Where in a county, city or separated town there are more or less than the number of schools, the inspection of which according to the Regulations should be assigned to the inspector or inspectors, an agreement may be made, with the approval of the Minister, for uniting for the purpose of inspection the whole or part of such county, city or separated town with an adjacent county or part of it; and where that is done the councils or school boards of the municipalities which have entered into the agreement shall provide for dividing the parts so united into inspectorates, the schools in each of which shall require the number of visits of inspection which according to the Regulations may be assigned to one inspector, unless the Minister sanction a variation therefrom and shall assign an inspector to, or appoint an inspector for, each of such inspectorates, and shall determine the proportion in which the salaries and expenses of the inspectors shall be paid by each corporation and school board, and the same shall be payable and shall be paid accordingly. Provision for uniting or inspection, whole or part of county, city, or separated town with adjacent county or part of it.

(7) Where, owing to the number of schools, it is impracticable to form inspectorates in accordance with the provisions of the next preceding subsection as many inspectorates as it is practicable to form may be formed if provision is made for the inspection of such of the schools as are not included in any inspectorate by an inspector of an adjacent county, city or separated town. Where impractical to form such inspectorates.

(8) Where provision is made for such inspection by an inspector of an adjacent county, city or separated town, the councils or school boards, which enter into an agreement for that purpose shall, subject to the approval of the Minister, provide by agreement as to the proportion of the time of the inspector which shall be given to the schools in each of the municipalities and the proportion of his salary and expenses which shall be borne by each corporation and school board, and the same shall be payable and be paid accordingly. Provision for proportion of time to be given to each school, and the payment.

(9) Where in the case in which subsection 6 applies no agreement is made under the provisions of the foregoing subsections before a day to be fixed by the Minister, the Minister may exercise any of the powers which might have been exercised by the council of the county or by the school board and may re-arrange the inspectorates and assign or appoint inspectors to them or may make provision for the inspection of any of the schools within the county, city or separated town by an inspector of a district or of another county, city or separated town, or the Minister may appoint an inspector or inspectors for the purpose of inspecting such schools. Where no agreement made Minister may re-arrange inspectorates.

Where such power exercised proportion of time and of salary to be determined by Minister.

(10) Where the power conferred upon the Minister by the next preceding subsection is exercised and the inspector of a district or of another county, city or separated town is appointed, the proportion of his time which shall be given to the schools in each county, city or separated town shall be determined by the Minister, and the proportion of his salary and expenses which shall be borne by each corporation and school board shall also be determined by him, and the same shall be payable and be paid accordingly.

Minister appointing under sub-sec. 9 to fix proportion to be paid by county and school board, etc.

(11) Where the Minister, under the powers conferred by subsection 9, appoints a new inspector the Minister shall fix the proportions of his salary and expenses which shall be paid by the corporation of the county and the school board of the city or separated town in respect of the schools in such county, city or separated town the inspection of which is assigned to such inspector, and the same shall be payable and be paid accordingly.

Payment by county or school board.

(12) Any sum which is payable by the corporation of a county or by a school board under any of the foregoing subsections shall be provided for and paid in the same manner as if the inspector had been appointed by the corporation of the county or by the school board. 3-4 Geo. V. c. 70, s. 19.

Agreement by Minister with county council.

(13) The Minister may enter into an agreement with the council of a county that the inspector or one of the inspectors of such county shall be inspector for a district inspectorate and as to the proportion of the salary of such inspector, which shall be payable by the county and the Province respectively. 9 Edw. VII. c. 89, s. 95 (5).

Minister to define inspectorate.

(14) The Minister whenever he deems it necessary shall fix the limits of every district inspectorate, and shall give notice by registered letter to the secretary of every school board in the territory without county organization of the inspectorate to which the school section or other division for which the board is elected is assigned. 9 Edw. VII. c. 89, s. 95 (6); 3-4 Geo. V. c. 70, s. 20.

Urban inspectorate.

(15) Where a board of public school trustees or a board of education appoints an urban inspector, the city or separated town for which such appointment is made shall constitute an urban inspectorate.

Approval of municipal by-laws.

(16) Every by-law or resolution passed and every agreement entered into by a municipal council or board under this section shall be subject to the approval of the Minister. 9 Edw. VII. c. 89, s. 95 (7-8).

Appointment of special inspector.

(17) When owing to the requirements of the Regulations the Minister deems it expedient, he may himself appoint a special inspector of public schools who shall be subject directly to his control, and whose salary and travelling expenses shall be paid by the Department of Education. 3-4 Geo. V. c. 70, s. 18.

Appointment.

98.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy in the office of county inspector occurs, shall appoint an inspector. Appointment of inspector by county council.

(2) Where a vacancy occurs in the office of county inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council. Vacancy in county.

(3) An urban inspector shall be appointed by the board by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy occurs or at an adjournment thereof. Appointment by urban board.

(4) The clerk of the county or the secretary of the board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post. Resolution to be sent to Minister.

(5) Where a county council for one month after such meeting, or where a public school board or board of education for one month after a vacancy occurs, neglects to make an appointment, the same may be made by the Minister. Appointment by Minister on default.

(6) Every appointment of a county or urban inspector shall be subject to ratification by the Minister, and if not so ratified within one year thereafter the engagement of the inspector shall terminate at the end of that period and the council or board shall appoint another inspector as provided by this Act. Ratification of appointment by Minister.

(7) District inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure. Appointment of district inspector.

(8) Where more inspectors than one are appointed in a county or city the county council or the board may, subject to the approval of the Minister, designate one of the inspectors to be senior inspector and the senior inspector, in addition to the powers and duties of an inspector, shall have such other powers and perform such other duties as the Minister may prescribe. 9 Edw. VII. c. 89, s. 96. Senior inspector.

Removal, Suspension or Dismissal.

99.—(1) An inspector who ceased to hold office on the 31st day of December, 1912, under section 13 of the Act passed in the 2nd year of His Majesty's reign chaptered 75 shall not be eligible for appointment as inspector. See 2 Geo. V. 1912. Inspector whose appointment lapsed on 31st December, 1912. c. 75, s. 13.

(2) An inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity. Grounds for dismissal.

Removal by
county council
or board.

(3) The county council or board by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

Report to
Minister.

(4) The clerk of the county or secretary of the board, as the case may be, shall forthwith report such suspension to the Minister in writing with a statement of the reasons therefor and the Minister may remove or confirm the suspension or may remove the inspector from office or cancel his certificate and the decision of the Minister shall be final.

Salary during
suspension.

(5) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. 9 Edw. VII. c. 89, s. 97 (2-5).

Qualifications, etc.

Qualification
of inspectors.

100.—(1) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations.

Inspector shall
not have any
other office or
employment.

(2) An inspector who during his tenure of office holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of the board of the city or town in which his inspectorate lies shall forfeit his office as inspector, but this section shall not apply to any person who was a member of the Assembly on the 13th day of April, 1909. 9 Edw. VII. c. 89, s. 98.

Duties of
inspectors.

101.—(1) Subject to the Regulations it shall be the duty of every public school inspector,

- (a) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) To prepare a report of every such visit in the form prescribed by the Regulations;
- (c) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an urban inspector to the board of the city or town only;
- (e) To report to the medical officer of health of the municipality any case in which the school

buildings or premises are found to be in an unsanitary condition;

(f) To furnish the Minister with information respecting any public school in his inspectorate whenever required so to do;

(g) To withhold his order for the amount apportioned from the Legislative or municipal grant;

(i.) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the medical officer of health or local or Provincial board of health on account of the prevalence of any communicable disease;

(ii.) Where the board fails to transmit properly the annual or other school returns properly filled up;

(iii.) Where the board fails to comply with this Act or with the Regulations; or

(iv.) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(h) To discharge such other duties as may be required by the Minister or Regulations;

(i) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister or of the council of the county in which his inspectorate lies or of the board by which he was appointed.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties and, subject to the Regulations, shall obey the direction of the county council in the case of a county inspector and of the board in the case of an urban inspector. Inspector to be responsible to Minister.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness. Power to administer oaths. 9 Edw. VII. c. 89, s. 99.

Salaries.

102.—(1) Every county inspector appointed after the first day of January, 1912, shall receive a salary for the first year of his employment of \$1,700, and for the second year Salaries of inspectors.

\$1,800, and for the third year \$1,900, and for every subsequent year \$2,000.

Present inspectors.

(2) Every county inspector who was in office on the 31st day of December, 1911, shall be paid a salary of \$1,800 per annum for 1912, \$1,900 for 1913 and \$2,000 for every subsequent year. 2 Geo. V. c. 76, s. 14.

How payable.

(3) One-half of the salary of every county inspector shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose and one-half by the county council.

To be paid monthly.

(4) The salaries of county inspectors shall be paid monthly by the treasurers of the counties and by the Minister directly to the inspectors.

Other expenses.

(5) The county council shall also pay to the county inspector his reasonable expenses for travelling, printing, postage and stationery, and in case of dispute the amount thereof shall be settled by the Judge of the County Court upon the application of the inspector or of the council and the decision of the Judge shall be final. 9 Edw. VII. c. 89, s. 100 (3)-(5).

Office accommodation, furniture, etc.

(6) The county council shall also provide the inspector with necessary office accommodation and furniture and clerical assistance, and in case of any difference between the county council and the inspector as to what is necessary the matter in dispute may be determined by the Judge of the County Court, whose decision shall be final. 3-4 Geo. V. c. 70, s. 21.

Salaries of urban inspectors.

(7) The salary of an urban inspector shall be fixed by the board of public school trustees or board of education of the city or town, and shall be payable by the treasurer of the board.

Contribution from Province.

(8) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually pay in the month of December to the board of the city or separated town the sum of \$5 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector.

District inspectors.

(9) The salaries and travelling and other expenses of district inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct. 9 Edw. VII. c. 89, s. 100 (6)-(8).

ALLOWANCE TO ARBITRATORS AND INSPECTOR.

Arbitrators to award costs.

103. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration and such determination shall be final and conclusive. 9 Edw. VII. c. 89, s. 101.

Allowance to arbitrators.

104. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. 9 Edw. VII. c. 89, s. 102.

APPEALS FROM DIVISION COURT DECISIONS.

105.—(1) In an action between a teacher and a board under this Act the Judge of the Division Court in which the action is tried may, at the request of either party, order the entering of a judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal. Appeals from Division Court judgment.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the Judge to a Divisional Court, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."
Appeal by Minister.

(3) The Judge shall thereupon transmit to the Central Office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings.

(5) The Divisional Court shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the Court below.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs.

(7) Notwithstanding anything herein contained any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the Division Court. 9 Edw. VII. c. 89, s. 104. Right of appeal.

SUPERANNUATION.

106. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund in such manner as may be prescribed by the Regulations the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. 9 Edw. VII. c. 89, s. 105. Super-annuation fund.

Repayment
to wife, etc.,
of deceased
teacher.

107. On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector with interest at the rate of seven per cent. per annum. 9 Edw. VII. c. 89, s. 106; 3-4 Geo. V. c. 70, s. 22.

Allowance
upon retire-
ment at sixty
years of age.

108.—(1) Every teacher and inspector who, while engaged in his profession, has contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

Or after
thirty years
of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years.

Retirement
through
disability.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

Extra
allowance
to certain
teachers.

(4) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.

When
allowance
to cease.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

Teacher
resuming
profession.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations.

Again
retiring.

Forfeiture
of claims.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list.

Repayment to
contributors.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. 9 Edw. VII. c. 89, s. 107 (1)-(8),

(9) Where a teacher or inspector does not avail himself of the provisions of section 106 or of subsection 8 of this section, the provisions of section 107 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund. 9 Edw. VII. c. 89, s. 107; 3-4 Geo. V. c. 70, s. 23.

Teachers not availing themselves of Act.

109.—(1) Subject to the Regulations, the public school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. 9 Edw. VII. c. 89, s. 108; 3-4 Geo. V. c. 70, s. 24.

Grant to superannuation fund by board.

(2) A board may invest any money received through legacy, gift, or superannuation fund, or in its hands for the purpose of a superannuation fund or otherwise, and for such purposes may have and may exercise the powers conferred upon trustees by *The Trustee Act*. 2 Geo. V. c. 76, s. 15; 3-4 Geo. V. c. 70, s. 25.

Investment of funds given or bequeathed. Rev. Stat. c. 121.

110. Where a teacher, inspector or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 9 Edw. VII. c. 89, s. 109.

Retiring allowance to teachers, officers and inspectors.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

111.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the Regulations, to give instruction in agriculture, manual training and household science in the public schools of the municipality; and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

Engagement of instructor in agriculture by township council.

Course of instruction.

(2) The courses of instruction shall be those prescribed by the Regulations.

Engagement by board.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

Course in * agriculture to be open to all residents.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 9 Edw. VII. c. 89, s. 110.

Manual training and domestic science classes in urban schools.

112.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Management under committee.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may, if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Providing for cost of instruction.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 9 Edw. VII. c. 89, s. 111.

OFFENCES AND PENALTIES.

Use of unauthorized text-books.

113. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has

been withheld on account of the use of such book or any less sum at its discretion. 9 Edw. VII. c. 89, s. 112.

114. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more than \$10. 9 Edw. VII. c. 89, s. 113. False declaration as to right to vote.

115. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. 9 Edw. VII. c. 89, s. 114. Refusing to serve.
Disqualified persons acting.

116. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 115. Penalty for refusal to perform duties.

117. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or a trustee of a high, public or separate school while he holds the office of inspector. 9 Edw. VII. c. 89, s. 116. Disqualification for certain offices.

118. If a trustee is convicted of any indictable offence or becomes insane or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality or school section for which he is a trustee, he shall *ipso facto* vacate his seat, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 9 Edw. VII. c. 89, s. 117. Seat vacated by conviction for crime, etc.

119.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat. Seat vacated by interest in contract with board.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall forthwith order a new election. When seat may be declared vacant.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 37 or prevent the board of a rural section from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 9 Edw. VII. c. 89, s. 118.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

120. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 9 Edw. VII. c. 89, s. 119.

Penalty for disturbing a school or school meeting.

121. Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school shall for each offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 120.

Penalty for chairman neglecting to report to inspector.

122. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 9 Edw. VII. c. 89, s. 121.

Liability for neglect to take security.

123. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. 9 Edw. VII. c. 89, s. 122.

Secretary-treasurer or trustee refusing to deliver up books and moneys.

124. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. 9 Edw. VII. c. 89, s. 123.

125.—(1) Upon application to a Judge of the County or District Court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the Judge may summon such secretary, treasurer, trustee or person to appear before him at a time and place appointed by him. 9 Edw. VII. c. 89, s. 124 (1); 3-4 Geo. V. c. 70, s. 26. ^{Summons for appearance.}

(2) Any bailiff of a Division Court, upon being requested so to do shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence. ^{Service of summons.}

(3) At the time and place so appointed the Judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded the Judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow. 9 Edw. VII. c. 89, s. 124 (2-3). ^{Order to account.}

(4) In the event of non-compliance with the order the Judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel or money, in the manner directed by the board or other competent authority. 9 Edw. VII. c. 89, s. 124 (4); 3-4 Geo. V. c. 70, s. 27. ^{Effects of non-compliance with judge's order.}

(5) Upon proof of his having so done the Judge shall make an order for his discharge and he shall be discharged accordingly. ^{Discharge on compliance with order.}

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the Judge may order his discharge on such terms or conditions as he may deem just. ^{Discharge on terms.}

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. 9 Edw. VII. c. 89, s. 124. ^{Other remedy not affected.}

126. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 125. ^{Penalties on trustees refusing information, etc., to auditor.}

Penalty for neglect to make returns.

127. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations, a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 9 Edw. c. 89, s. 126.

Penalty for delaying yearly reports.

128. If the board of any school section neglects to prepare and forward such annual statement to their county-inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding \$5. 9 Edw. VII. c. 89, s. 127.

Penalty for false school reports and registers.

129. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 128.

Clerk neglecting or refusing to perform duties.

130. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. 9 Edw. VII. c. 89, s. 129.

Penalty for not calling school meetings.

131. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of \$5. 9 Edw. VII. c. 89, s. 130.

[N.B.—*A Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See Rev. Stat. c. 265.*]

Penalties for not maintaining school as required by Act.

132. Where a board make default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. 9 Edw. VII. c. 89, s. 131.

Recovery and application of penalties. Rev. Stat. c. 90.

133. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. 9 Edw. VII. c. 89, s. 132; 3-4 Geo. V. c. 70, s. 28.

CHAPTER 267.

An Act respecting Continuation Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Continuation Schools Act*. Short title.
3-4 Geo. V. c. 72, s. 1.

2. In this Act,

Interpretation.

- (a) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture, the improvement of the school grounds and the grounds attached to the teacher's residence, insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;
- (b) "Minister" shall mean Minister of Education; "Minister."
- (c) "Municipality" shall include a city, town, village or township, but not a county; "Municipality."
- (d) "Permanent improvements" shall include the purchase or rental of a residence for a teacher or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library and all other appliances required by the Regulations; "Permanent improvements."
- (e) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*. 3-4 Geo. V. c. 72, s. 2. "Regulations." Rev. Stat. c. 265.

3.—(1) Subject to the Regulations and to the approval of the Minister the public school board of any municipality or school section or a separate school board may establish and

maintain one Continuation School with a staff of at least one teacher engaged for his whole time.

Powers of boards.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipments for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Agreements between boards for joint maintenance and establishment.

(3) Subject to the Regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Management of continuation school under committee.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Committee to be a body corporate.

(5) The committee shall be a body corporate and shall be styled The Board of Trustees of the Continuation School of the *(naming the municipality or school section or sections.)*

Apportionment of cost in union school sections.

(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality.

Rev. Stat. c. 266.

Township grant towards salary.

(7) Subject to subsection 8, for the purposes of subsections 1 and 2 of section 93 of *The Public Schools Act* a continuation school shall be deemed a public school.

Township rates, how to be levied. Rev. Stat. c. 266.

(8) Where the continuation school is established by one or more public school boards the amount to be levied and collected by the township council under section 93 of *The Public Schools Act* shall be levied upon the taxable property of the public school supporters, and where the school is established by one or more separate school boards the amount to be levied

shall be levied upon the supporters of such separate schools. 3-4 Geo. V. c. 72, s. 3.

4.—(1) All sums required to be provided for the support of a continuation school established under section 3, after deducting from the expenditures the legislative and county and other municipal grants, shall be provided for by a rate levied Providing money required for maintenance.

(a) where the school is established by the board of an urban municipality or of a public school section or by the board of an urban municipality and one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;

(b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;

(c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school.

5.—(1) Pupils whose parents are supporters of the school may be admitted free or charged such fees as the board may determine but such fees shall be uniform for all such pupils. Fees for children of supporters.

(2) Pupils whose parents are not supporters of the school may be admitted for the first year after the establishment of the school on payment of such fees as may be mutually agreed upon by the board and the parents of the pupils, and thereafter on the payment of such fees as the board may determine, but all such fees shall be uniform, and the fee shall not exceed an amount equal to the cost per pupil of the maintenance of the school as ascertained by taking the total cost of maintenance of the school for the year next preceding after deducting the amount of the legislative and county grants and dividing it by the average number of all the pupils in attendance for the same year. For those whose parents not supporters.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established or the board of the continuation school, as the case may be, for the payment by such first mentioned board Payment of lump sum in lieu of fees.

of a lump or other annual sum in lieu of the fees payable under subsection 2. 3-4 Geo. V. c. 72, s. 5.

No establishment where there are high schools.

6. A continuation school shall not be established or maintained in a municipality in which a high school is maintained or in any other part of a high school district. 3-4 Geo. V. c. 72, s. 6.

County grant.

7. The council of the county in which a continuation school is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the legislative grant. 3-4 Geo. V. c. 72, s. 7.

Additional contribution by county council.

8.—(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county; but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools in proportion to the amount which the council is required to contribute to their support.

May be for aid to some only of the schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein.

Apportionment between counties in a union.

(3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only for sums payable in respect to continuation schools situate therein.

Grant from county for agricultural department.

(4) Where an Agricultural Department is established by the Minister in a continuation school the council of the county in which the continuation school is situate shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

Apportionment with schools situate in municipality or section forming part of two or more counties.

(5) Where the continuation school is situate in an urban municipality or in a union school section parts of which are in two or more counties the amount payable under subsections 1 and 4 by the corporation of each county shall be determined in the manner provided by section 29 of *The Public Schools Act*. 3-4 Geo. V. c. 72, s. 8.

Admission of pupils.

9. Pupils whether resident or non-resident may be admitted to a continuation school in accordance with the Regulations governing the admission of pupils to high schools. 3-4 Geo. V. c. 72, s. 9.

Qualification of teachers.

10. Every teacher appointed as principal or assistant in a continuation school shall possess the qualifications prescribed by the Regulations. 3-4 Geo. V. c. 72, s. 10.

11. The courses of study in continuation schools shall be such as are prescribed by the Regulations. 3-4 Geo. V. c. 72, s. 11. ^{Courses of study.}

12.—(1) Every continuation school which has been established under the provisions of Part II of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 90, shall be deemed to have been on and after the first day of July, 1913, and shall be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act*. ^{When continuation school becomes high school. Rev. Stat. c. 268.}

(2) The trustees of a continuation school holding office at the time it became a high school under the provisions of subsection 1 shall be deemed to have been the trustees of it until trustees were appointed under the provisions of *The High Schools Act* and the new board was organized. ^{Term of office of existing trustees. Rev. Stat. c. 268.}

(3) The principal of a continuation school at the time it became a high school under the section shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school until its staff has been increased by the addition of a teacher engaged for his whole time. 3-4 Geo. V. c. 72, s. 12. ^{When principal may continue as principal of high school.}

CHAPTER 268.

An Act respecting High Schools and Collegiate Institutes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

- Short title. **1.** This Act may be cited as *The High Schools Act*. 9 Edw. VII. c. 91, s. 1.
- Interpretation. **2.**—(1) In this Act—
- “Board.” (a) “Board” shall mean a Board of High School Trustees.
- “County judge” or “judge.” (b) “County Judge” and “Judge” shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the High School Board or is unable to act or is disqualified, shall mean the junior Judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census;
- “County pupils.” (c) “County pupils” shall mean pupils who reside or whose parents or guardians reside in the county in which the high school attended by such pupils is situate, but not within the limits of the high school district, and shall not include pupils who are resident pupils as herein defined;
- “Department.” (d) “Department” shall mean Department of Education;
- “High School.” (e) “High School” shall include a Collegiate Institute;
- “High School District.” (f) “High School District” shall mean the municipalities and parts of municipalities over which a board has jurisdiction;
- “Maintenance.” (g) “Maintenance” shall include ordinary repairs to the teacher’s residence, the school buildings, out-

houses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;

- (h) "Minister" shall mean Minister of Education; "Minister."
- (i) "Municipality" shall include a city, town, village or township but not a county; "Municipality."
- (j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined; "Non-resident pupils."
- (k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations; "Permanent improvements."
- (l) "Regulations" shall mean Regulations made by the Minister under *The Department of Education Act*; "Regulations." Rev. Stat. c. 265.
- (m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein; "Resident pupils."
- (n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization; "Separated town."
- (o) "Urban municipality" shall mean a city, town or village. "Urban municipality."

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor. References to population.

Certificate of clerk to be final.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. 9 Edw. VII. c. 91, s. 2.

HIGH SCHOOL CORPORATIONS.

Trustees to be a corporation.

3.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of," or "The Collegiate Institute Board of," as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate.

Term of office.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. 9 Edw. VII. c. 91, s. 3.

HIGH SCHOOL DISTRICTS.

Existing high school districts confirmed.

4. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that such district has not been legally formed. 9 Edw. VII. c. 91, s. 4.

Lands not relieved from rates.

5. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. 9 Edw. VII. c. 91, s. 5.

Unions of municipalities or portions thereof for high school purposes.

6.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof situate within such county and contiguous to any high school district or village or to a town containing less than three thousand inhabitants in such county, may by by-law unite such municipality or part thereof to such district, village or town for high school purposes; and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law.

Dissolution of union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve

the union; but no such by-law shall come into operation until the first day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union exists.

(3) Where two municipalities become united all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality. 9 Edw. VII. c. 91, s. 6.

Assets vested
in board
of united
municipality.

NEW HIGH SCHOOLS.

7.—(1) On or before the first day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district

Establishment
and discontinu-
ance of high
schools.

(a) for a municipality not separated from the county containing at least one thousand inhabitants, and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district thereafter established;

(b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;

(c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district.

(2) In the case provided for by clause (b) of subsection 1 the high school shall be located at such place as is named in the petition. 9 Edw. VII. c. 91, s. 7.

Location
of school.

8. The council of a city or separated town may, with the approval of the Minister, establish as many high schools in such city or separated town as it may deem expedient. 9 Edw. VII. c. 91, s. 8.

In cities, and
separated
towns.

COURSES OF STUDY.

Course of instruction. **9.—**(1) The courses of study shall be those prescribed by the Regulations.

Collegiate institutes. (2) Any high school which complies with the Regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.

Reducing collegiate institutes. (3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. 9 Edw. VII. c. 91, s. 9.

Military instruction. **10.—**(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes.

Grants for athletics. (2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. 9 Edw. VII. c. 91, s. 10.

Instruction in agriculture. **11.** A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools; and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the Regulations. 9 Edw. VII. c. 91, s. 11; 2 Geo. V. c. 76, s. 18.

TRUSTEES.

Qualification of trustees. **12.** Any ratepayer who is a British subject, has attained the age of 21 years, resides in the high school district and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. 9 Edw. VII. c. 91, s. 12.

Number of trustees. **13.** Every high school board shall consist of at least six trustees. 9 Edw. VII. c. 91, s. 13.

Appointment of trustees. **14.—**(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council and additional trustees shall be appointed as follows:—

(a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) Where the district comprises two municipalities each council shall appoint two additional trustees; and

(c) Where a district comprises more than two municipalities each council shall appoint one additional trustee.

(2) A part of a municipality which is assessed for at least ^{What may be deemed a municipality.} \$50,000 shall be deemed a municipality for the purposes of this section.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire ^{Annual retirement of trustees.} each year. 9 Edw. VII. c. 91, s. 14.

15. Where a high school district comprises the whole of a ^{Where district composed of county.} county the county council shall appoint six trustees, two of whom shall retire each year. 9 Edw. VII. c. 91, s. 15.

16.—(1) In a city and in a separated town the council ^{Trustees in cities and separated towns.} shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board.

(2) The council shall provide for the annual retirement of ^{Retirement by rotation.} two of the trustees appointed by them so as to secure a complete rotation every three years. 9 Edw. VII. c. 91, s. 16.

17.—(1) Where the board of a high school situate in ^{Admission of county pupils to city or town school.} a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. 9 Edw. VII. c. 91, s. 17.

(2) The board of a high school situated in a city, town or village in a district without county organization may, by ^{Admission of non-resident pupils in unorganized territory.} resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality.

(3) The council of any municipality in respect to which ^{Election of trustee by municipality.} a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and there-

upon the council shall be entitled to appoint a trustee to the board in addition to the other members of the board provided for by this Act.

Term of office
of trustee.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. 10 Edw. VII. c. 104, s. 1.

Order of re-
tirement of
trustees.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. 9 Edw. VII. c. 91, s. 18.

Separate
school board
to appoint
a trustee.

19. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. 9 Edw. VII. c. 91, s. 19.

Appointment
by public
school trustees
in urban
municipalities.

20. Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. 9 Edw. VII. c. 91, s. 20.

Vacancies
caused by
annual
retirement.

21.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies
from other
causes.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Where a
separated
town is re-
united to
the county.

(3) Where a separated town is re-united to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. 9 Edw. VII. c. 91, s. 21.

MEETINGS OF BOARD.

First meeting
of board.

22.—(1) Unless all the members of the new board have been appointed and a date for the first meeting has been

decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board. 9 Edw. VII. c. 91, s. 22 (1); 2 Geo. V. c. 76, s. 19.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman. Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman. Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting. Chairman pro tem.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary and treasurer.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Secretary pro tem.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum. Quorum.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose. Chairman at first meeting.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Equality of votes on election of chairman.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. 9 Edw. VII. c. 91, s. 22 (2-10). In other cases.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

23.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate. Security to be given by treasurer and secretary-treasurer.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. 9 Edw. VII. c. 91, s. 23. Audit.

DUTIES OF BOARDS.

Duties of trustees.

24. It shall be the duty of every board and it shall have power:—

Fix meetings of board.

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school.

(b) to see that the school is conducted according to this Act and the Regulations; 9 Edw. VII. c. 91, s. 24 (a-b).

Accommodation for pupils.

(c) to provide adequate accommodation according to the Regulations for all pupils, and in its discretion establish summer or vacational schools. 9 Edw. VII. c. 91, s. 24 (c); 2 Geo. V. c. 76, s. 20.

Charge of high school.

(d) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board;

Collection of fees for tuition.

(e) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof;

Security of treasurer or secretary-treasurer.

(f) to take proper security from the treasurer or secretary-treasurer;

Orders for salaries and expenses.

(g) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board;

Applications to councils, how made.

(h) to apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the county council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding \$500;

Expulsion of pupils.

(i) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the

welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice;

- (j) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (k) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (l) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. 9 Edw. VII. c. 91, s. 24 (d)-(l). Annual report to Minister.

25. The board may—

- (a) purchase for the use of pupils text books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; Purchase books and supplies, and furnish same free or collect fees for the use thereof.
- (b) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving; 9 Edw. VII. c. 91, s. 25 (a-b). Penny Savings Bank.
- (c) provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or in the absence of Regulations, as the board may deem proper; 3-4 Geo. V. c. 70, s. 29. Dental and medical inspection.
- (d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees of Ontario. 3-4 Geo. V. c. 70, s. 30. Travelling expenses attending educational association.

26. Where there are more high schools than one in an urban municipality the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the Regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. 9 Edw. VII. c. 91, s. 26. Supervising principal in urban municipality.

PROPERTY VESTED IN BOARDS.

High school
property
vested in
trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to sell
or convey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. 9 Edw. VII. c. 91, s. 27.

Power to
sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. 9 Edw. VII. c. 91, s. 28.

SCHOLARSHIPS.

Establishment
of scholarship.

29. Any person may, with the approval of the board, found a scholarship or prize. 9 Edw. VII. c. 91, s. 29.

Scholarships
for public
and separate
school pupils.

30.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

Number and
mode of
awarding.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

Who may
receive.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school. 9 Edw. VII. c. 91, s. 30.

Free scholar-
ships.

31.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

Rules as to.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. 9 Edw. VII. c. 91, s. 31.

32.—(1) Subject to the Regulations the high school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. *See 9 Edw. VII. c. 88, s. 108.*

(2) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act. 3-4 Geo. V. c. 70.* Investment of funds.
Rev. Stat. c. 121.

MUNICIPAL GRANTS FOR MAINTENANCE.

33.—(1) The council of every county shall on or before the 15th day of December in each year pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, without any deduction on account of fees paid by county pupils, an amount equal to that apportioned by the Minister to such high school out of the legislative grant for the maintenance of high schools. Aid to high schools from counties.

(2) Where an Agricultural Department is established by the Minister in a high school the council of the county in which the high school is situate shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department. *9 Edw. VII. c. 91, s. 33.* County grant to agricultural department.

34.—(1) Where the cost of the maintenance of county pupils at a high school exceeds the amount apportioned by the Minister and the fees received from county pupils the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the board a sum to be ascertained in the manner following:—

From the total cost of maintenance of the high school the amount apportioned out of the legislative grant shall first be deducted, the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years, and from the resulting amount the fees received from county pupils shall be deducted and the remainder shall be the sum payable by such county. Mode of ascertaining county grant.

(2) Where a high school has not been in existence for three years the attendance shall be reckoned for the period during which it has been open. Reckoning attendance in case of new school.

Reference of
disputes to
county judge.

(3) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils in any year, but if they do not agree the same shall be settled by the Judge on the application of either party.

Not to affect
county aid.

(4) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 39.

Award of
judge binding
for 3 years.

(5) Where a high school has been in existence for three years or more an award made by the Judge shall be binding for three years, and where it has not been in existence for three years for one year only.

Statements
to be sub-
mitted to
judge.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the high school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grants and of all fees received from county pupils during each of such years or during such period, and shall also furnish to the judge such further information as he may require. 9 Edw. VII. c. 91, s. 34.

Maintenance
of county
pupils in city
or town high
school.

35.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such high school.

Maintenance
of pupils from
adjacent
county.

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such high school a sum equal to sixty-five per cent. of the cost of the maintenance of pupils at such high school.

Certain cities
excepted.

(3) Subsections 1 and 2 shall not apply to a city which has a population of 50,000 or over.

Contribution
by city council
to cost of
maintenance
of pupils at
school in
adjoining
municipality.

(4) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate the council of the city shall, on or before the 15th day of

December in each year, pay to the board eighty per cent. of the cost of maintenance of city pupils at the high school.

(5) The amount payable under subsections 1, 2 and 4 shall be ascertained as follows:—

Mode of
ascertaining
amount pay-
able by city.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined, and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by such county or municipality.

(6) Where the parties do not agree as to the amount so payable the same shall be ascertained by the judge on the application of either party.

Reference
of disputes
to judge.

(7) On the reference to the judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 34, certified in a similar manner, and shall furnish such further information as he may require. 9 Edw. VII. c. 91, s. 35.

Statements
to be sub-
mitted to
judge.

36. The costs of a reference to the judge under sections 34 or 35 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid. 9 Edw. VII. c. 91, s. 36.

Costs of
reference
to judge.

COLLECTION OF RATES.

37. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding \$500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district. 9 Edw. VII. c. 91, s. 37.

Councils to
levy rates in
high school
districts.

GRANTS FOR PERMANENT IMPROVEMENTS.

38.—(1) Where the sum required by a board for permanent improvements exceeds \$500 the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses con-

Grants for
permanent
improvements
exceeding
\$500.

nected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application
of board to
council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum term of years, not exceeding thirty, within which the sum required is to be repaid.

Council to
deal with
application.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of
debentures.

(4) If the council or a majority of the councils, where there are more than one, approve of the application the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*.

Rev. Stat.
c. 192.

Submission of
application to
ratepayers.

(5) If the council, or half the number of councils where there are more than one, disapprove of the application, such council, or each of such councils where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Municipal Act*, in the case of a money by-law.

Rev. Stat.
c. 192.

When rate-
payers approve
application
debentures to
be issued.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate shall in the manner provided by *The Municipal Act*, but without submitting any by-law to the electors, raise the required sum by the issue of debentures.

Rev. Stat.
c. 192.

Council may
act without
submission to
ratepayers.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements, without submitting the same to a vote of the electors.

Proportionate
liability for
debenture
debt.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures.

(9) A debenture may be for such term of years, not exceeding thirty and not less than that mentioned in the application of the board, as the municipal council or councils concerned or a majority of them may think proper, or the council or councils or a majority of them shall, if the board has so requested, and may whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*. Term of debentures.
Rev. Stat. c. 192.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall for the purposes of this sub-section be deemed a majority.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. 9 Edw. VII. c. 91, s. 38. Municipality in which high school is situated may assume full cost of permanent improvements.

39.—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned, except as hereinafter provided, among all the high schools of the county in proportion to the liability of the county to each board. Council may raise further sum for high school purposes.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. 9 Edw. VII. c. 91, s. 39. County council may make grants to particular schools.

40.—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money. Payment of grants, permanent improvements.

(2) All money which a council is required to collect by assessment, or to raise by way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. 9 Edw. VII. c. 91, s. 40. For maintenance.

41. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. 9 Edw. VII. c. 91, s. 41. Apportionment of high school grant in united counties.

HIGH SCHOOL FEES.

Fees of county pupils.

42.—(1) County pupils shall pay such fees as the county council may prescribe, but such fees shall be uniform for all high schools in the county, or in the case of united counties for each county in the union, and shall not exceed one dollar per month.

When scale of fees to take effect, duration.

(2) The scale of fees shall take effect from the beginning of the high school term next after the adoption thereof and shall continue in force for three years or for such term as may be agreed upon between the board and the county council.

County pupils attending high school in city or town.

(3) County pupils admitted to a high school situate in a city or in a separated town on the same terms as resident pupils shall pay the same fees as are paid by resident pupils.

Non-resident pupils.

(4) Non-resident pupils shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil of maintenance of the high school nor less than the fees imposed by the council on county pupils.

Resident pupils.

(5) Resident pupils shall pay such fees as the board may prescribe.

Council may pay fees.

(6) The council of a municipality not included, or not wholly included, in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils who reside in such municipality, or by the board on non-resident pupils who reside in such municipality; but in the case of a municipality not wholly included such assessment shall be confined to the part which is not included within the high school district.

Fees to be paid to treasurer.

(7) The fees payable under this section shall be payable to the treasurer of the board. 9 Edw. VII. c. 91, s. 42.

What school pupils may attend.

43. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the Board. 9 Edw. VII. c. 91, s. 43.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

Who may be admitted to high schools.

44. Subject to the Regulations—

(a) Candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools.

(b) Candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination. 9 Edw. VII. c. 91, s. 44; 3-4 Geo. V. c. 70, s. 32.

(c) A candidate shall be entitled to enter a high school while it is conducted at night if in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Regulations; but such admission shall not entitle him to admission to the high school when conducted by day. 3-4 Geo. V. c. 70, s. 33.

45.—(1) Subject to the Regulations the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as “The Senior High School Entrance Examination.”

(2) After the establishment of such examination the entrance examination provided for by section 44 shall be known as “The Junior High School Entrance Examination.” 1 Geo. V. c. 17, s. 56 (3).

46.—(1) Subject to the Regulations any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

- (a) permanent High School certificate, or
- (b) a permanent First Class certificate, or
- (c) a Provincial Second Class certificate, and has had five years' experience as a teacher

may be appointed a presiding officer or a member of a board of examiners. 9 Edw. VII. c. 91, s. 45; 2 Geo. V. c. 76, s. 21.

(2) The Minister may suspend any member of the board from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the Regulations with regard to High School Entrance Examinations or of being guilty of other misconduct in office.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. 3-4 Geo. V. c. 70, s. 34.

In the Counties.

Centres to be established.

47.—(1) (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts. 9 Edw. VII. c. 91, s. 46 (1) (a).

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the first day of June in any year, appoint an additional member to the board. The county council may also on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached. 9 Edw. VII. c. 91, s. 46 (1) (b); 2 Geo. V. c. 76, s. 22.

Examiners in counties not having a high school.

(2) (a) In a county in which no high school has been established, the county council, at its meeting in June in each year, shall appoint a county board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county.

County centres.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

Additional examiners.

(3) Subject to the Regulations, every board of examiners shall in each year appoint such additional members as may be required.

Payment of examiners' fees.

(4) Subject to the Regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board.

Candidates' fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the Regulations, and shall be paid over at or before the close of

the written examination to the treasurer of the county or of the board, as the case may be. 9 Edw. VII. c. 91, s. 46 (2-5).

In the Territorial Districts.

48.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the first day of June of any year, appoint an additional member. Subject to the Regulations, the board of examiners in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate. Examiners in territorial districts.

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate. Examination centres.

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate. Where no high school has been established.

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

(3) Subject to the Regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. 9 Edw. VII. c. 91, s. 47. Expenses: how borne.

HIGH SCHOOL TEACHERS.

49.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the Regulations. 9 Edw. VII. c. 91, s. 4 (2); 3-4 Geo. V. c. 70, s. 35. Qualification.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the Regulations.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. 9 Edw. VII. c. 91, s. 48 (3-4). Super-annuation. Rev. Stat. c. 266.

AGREEMENTS.

Proportion
of salary to
which teacher
entitled.

50.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 9 Edw. VII. c. 91, s. 49 (1).

Sickness or
dental
treatment.

(2) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the Board without a certificate. 9 Edw. VII. c. 91, s. 49 (2); 1 Geo. V. c. 17, s. 56 (1).

Suspension
for neglect
of duty.

(3) A high school inspector may on the complaint of a board suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper.

Disputes
between
teachers and
trustees.

(4) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the Division Court of the division in which the cause of the action arose, subject to the same right of appeal as under *The Public Schools Act*. 9 Edw. VII. c. 91, s. 49 (3, 4).

Rev. Stat.
c. 266.

RETIRING ALLOWANCES.

Retiring
allowance
to teachers.

51. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. 9 Edw. VII. c. 91, s. 50.

SCHOOL YEAR AND HOLIDAYS.

Terms.

52.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December, the second shall begin on the third of January and end on the Thursday before Easter Day, and the third shall begin on the second Monday after Easter Day and end on the 29th of June.

(2) Every Saturday, every public holiday and every day pro-Holidays.
claimed a holiday by the council of the municipality in which
the school is situate shall be a school holiday. 9 Edw VII. c. 91,
s. 51.

AUTHORIZED BOOKS.

53.—(1) A teacher shall not use or permit to be used as a Text-books.
text-book in a high school any book except such as is author-
ized by the Regulations, and the Minister, upon the report of
the inspector, may withhold the whole or any part of the legis-
lative grant in respect of any high school in which any unauthor-
ized book is so used.

(2) Subject to the Regulations an authorized text-book in Change of
actual use in a high school may, with the written approval of text-books.
the board, be changed by the teacher for any other author-
ized text-book on the same subject. 9 Edw. VII. c. 91, s. 52.

OFFENCES AND PENALTIES.

54. A high school trustee shall not enter into any contract, Seat vacated
agreement, engagement or promise of any kind, either in his by interest in
own name or in the name of another, and either alone or contract with
jointly with another, in which he has any pecuniary interest, board.
profit, or promised or expected benefit with the board of which
he is a member, or have any pecuniary claim upon or receive
compensation from the board for any work, engagement, em-
ployment or duty on behalf of the board, and every such
contract, agreement, engagement, or promise shall be null and
void, and a trustee violating the provisions of this section
shall *ipso facto* vacate his seat, and the secretary shall forth-
with notify the clerk of the municipality or the appointing body
of the vacancy. 9 Edw. VII. c. 91, s. 53.

55. No person shall be disqualified from being a member of Newspaper
a board or from sitting and voting on such board by reason proprietors
only of his being proprietor of or otherwise interested in a inserting
newspaper or other periodical publication in which an official
advertisement is inserted by the board in the regular course of busi- advertisements
ness, or which is subscribed for by the board, if such adver- not disquali-
tisement or subscription is paid for at the usual rate, but such fied from
member shall not be entitled to vote where his own account is sitting on
in question. 9 Edw. VII. c. 91, s. 54. boards, etc.

56. If a trustee is convicted of an indictable offence, or Seat vacated
becomes insane, or, without being authorized by resolution by conviction
entered upon the minutes, absents himself from the meetings for crime, etc.
of the board for three consecutive months, or ceases to be a re-
sident within the county or municipality the council or
school board of which appointed him, he shall *ipso facto*
vacate his seat, and the secretary shall forthwith notify the
clerk of the council of the county or municipality or other
appointing body of the vacancy. 9 Edw. VII. c. 91, s. 55.

Disturbing
schools.

57. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 56.

Substitution
of unauthor-
ized text-
books.

58. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. 9 Edw. VII. c. 91, s. 57.

Disqualified
persons acting
as trustees.

59.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Penalty for
refusal to
perform
duties.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 58.

Disqualifica-
tion for hold-
ing certain
offices.

60. A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. 9 Edw. VII. c. 91, s. 59.

Liability for
neglect to
take security.

61. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. 9 Edw. VII. c. 91, s. 60.

Trustee may
not be
secretary,
treasurer, or
bondsmen.

62. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. 9 Edw. VII. c. 91, s. 61.

Duty to
deliver up
books or
money.

63.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same

to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him. Summons for appearance.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a grown-up person at his residence. Service of summons.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. Order to account.

(5) In the event of non-compliance with the order the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority. Effect of non-compliance with judge's order.

(6) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly. Discharge on complying with order.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. 9 Edw. VII. c. 91, s. 62. Other remedy not affected.

64. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 63. Penalties on trustees refusing information, etc., to auditor.

Penalty for
false school
reports and
registers.

65. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 64.

[N.B.—*A trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. Rev. Stat. c. 265.*]

Recovery of
penalties.
Rev. Stat.
c. 90.

66.—(1) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Who may
prosecute.

(2) Any ratepayer, trustee or high school teacher may take proceedings to recover any such penalty.

Payment and
application
of penalties.

(3) Unless otherwise provided all such penalties shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. 10 Edw. VII. c. 91, s. 65.

CHAPTER 269.

An Act respecting Boards of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as *The Boards of Education Act*. Short title.
9 Edw. VII. c. 94, s. 1.

2. In this Act—

Interpretation.

- (a) “High School” shall include a Collegiate Institute; “High School.”
- (b) “High school district” and “district” shall mean “High the territory over which a high school board has School District.” jurisdiction;
- (c) “Municipal Board” and “Municipal Board of Education” shall mean a board of education organized pursuant to a resolution passed by the council of any city, town or village under the provisions of this Act or of the Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 31, or of the Act passed in the fourth year of His said late Majesty’s reign, chaptered 33; “Municipal Board” or “Municipal Board of Education.”
- (d) “Secretary” and “Treasurer” shall include a secretary-treasurer; “Secretary” or “Treasurer.”
- (e) “Union Board” and “Union Board of Education” shall mean a board of education formed by the union of a high school board with one or more public school boards, pursuant to resolutions passed by the respective boards forming such union under the provisions of this Act or *The Public Schools Act* or *The High Schools Act* in force at the time such union was formed. 9 Edw. VII. c. 94, s. 2. “Union Board” or “Union Board of Education.” Rev. Stat. c. 266. Rev. Stat. c. 31, and 4 Edw. VII., c. 33, continued.

MUNICIPAL BOARDS OF EDUCATION.

3. Every board of education heretofore organized under the authority of the Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 31, or of the Act passed in the fourth year of His said late Majesty’s reign, chaptered 33, is hereby continued and shall continue. Boards of Education formed under 3 Edw. VII., c. 31, and 4 Edw. VII., c. 33, continued.

tinue to possess all the property, powers and rights and perform all the duties and be subject to all the obligations which it possessed, performed and was subject to at the time of the passing of this Act, and shall hereafter be subject to the provisions thereof relating to municipal boards. 9 Edw. VII. c. 94, s. 3.

Resolution
to form
Municipal
Board of
Education.

4.—(1) When a high school district does not extend beyond the limits of the municipality the council of a city, town or village in which one or more high schools are situate may, on or before the first day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act.

May be passed
although union
board exists.

(2) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality. 9 Edw. VII. c. 94, s. 4 (1, 2).

Submitting
question of
establishment
of Board of
Education
to electors.

(3) The council shall, at the next succeeding municipal election, submit to a vote of the electors the question: "Are you in favour of the formation of a Municipal Board of Education," and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the Board organized in accordance with the provisions of this Act. 1 Geo. V. c. 17, s. 57 (1).

Powers,
rights and
duties of.

(4) Upon the organization of the board all the property theretofore vested in such previous boards shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. 9 Ed. VII. c. 94, s. 4 (4).

Composition
of municipal
boards.

5.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

- (a) In a city having a population of not less than 50,000 or more, of fourteen members, twelve of whom shall be elected as hereinafter provided and two of whom shall be appointed by the separate school board of the city;
- (b) In a city having a population of less than 50,000, of ten members, nine of whom shall be elected as hereinafter provided and one appointed by the separate school board of the city;
- (c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;

(d) Subject to the provisions of clause (e) where there is no separate school board, the board shall be composed of the elected members only; 9 Edw. VII. c. 94, s. 5 (1) (a-d).

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county the council of such county at their first meeting in the second year following the passing of the resolution mentioned in section 4 shall appoint three additional members of the board, one for one year, one for two years, and one for three years, and thereafter shall appoint a member to fill each vacancy as it occurs. 9 Edw. VII. c. 94, s. 5 (1) (e); 2 Geo. V. c. 76, s. 23.

Appointment by county councils to boards in towns not separated from county.

(2) A Board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Board not to be incomplete by reason of failure to appoint.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.

Mode of election.

Rev. Stat. c. 266.

(4) The first election shall take place at the time of holding the municipal elections for the year following the passing of the resolution mentioned in section 4; but nothing in this Act shall affect any board having jurisdiction over any public school, high school or technical school during the year in which such resolution is passed.

First election of members of board.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

Number of votes for candidates.

(6) At the first election the full number of elective members shall be elected.

First election after organization.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Term of office of first members.

(8) Where two or more members receive an equal number of votes at the first election and no agreement as to which of them shall retire is reached at the first meeting of such board,

Retirement where members have equal votes.

then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring members eligible for re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified.

Appointment by separate school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Term of office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed.

Members of appointing body not eligible.

(13) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board. 9 Edw. VII. c. 94, s. 5 (2-13).

Election of members by wards in cities of 200,000. Submission of question.

6.—(1) The council of any city having a population of not less than 200,000 may at any time before the first day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" The provisions of paragraph 10 of section 398 of *The Municipal Act*, shall with such variations as may be necessary apply to the taking of such vote.

Rev. Stat. c. 192.

How board to be constituted if question answered in affirmative.

(2) In case the question is answered in the affirmative by a majority of the persons qualified to vote thereon the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

First election.

(3) At the first election held after the question shall have been so answered in the affirmative the requisite number of members shall be elected; and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year and until their respective successors have been elected under this Act and the new board organized.

(4) At each annual election after the first the term of office of each elected member shall be two years. Term of office.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members. Provisions of Public Schools Act, Rev. Stat. c. 266, as to qualification and election to apply.

(6) Save as in this section is otherwise provided the provisions of this Act shall apply to a board of education organized under this section. 9 Edw. VII. c. 94, s. 6. Application of general provisions.

7.—(1) Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancies in cases of elected members.

(2) In case of an equality of votes the elected member having the largest number of votes at his election shall have a second or casting vote. Casting vote.

(3) In cities where trustees are elected by wards the vacancy shall be filled by an election in the ward in which the vacancy occurs. 10 Edw. VII. c. 26, s. 26 (1). Where trustees are elected by wards.

8.—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. Vacancies in cases of appointed members.

(2) When an appointing body fails to appoint a member at the prescribed time the appointment may be made subsequently, but the term of office of the person appointed shall expire if he had been appointed at the time prescribed. 9 Edw. VII. c. 94, s. 8. Failure to appoint at prescribed time.

9. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. 9 Edw. VII. c. 94, s. 9; 2 Geo. V. c. 76, s. 24. First meeting each year.

10. Every municipal board shall be a corporation by the name of "The Board of Education for the (*naming the city, town or village*)" and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board or a technical school board. 9 Edw. VII. c. 94, s. 10. Board to be a corporation.

INSPECTORS.

Minister to determine number of inspectors.

11.—(1) The Minister shall from time to time determine the number of public school inspectors to be appointed by a municipal board in any city or separated town. 1 Geo. V. c. 17, s. 57 (2).

Where more than one inspector, a chief inspector may be appointed.

(2) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector" and the other or each of the others "inspector," and shall prescribe the duties of each. 9 Edw. VII. c. 94, s. 11 (3).

Union board to be dissolved on organization of municipal board.

12. Where a municipal board is organized under this Act in a municipality any union board of education then existing therein shall thereby be dissolved. 9 Edw. VII. c. 94, s. 12.

UNION BOARDS OF EDUCATION.

Union Boards of Education.

13.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

How formed.

Powers, rights and duties of former school boards.

(2) The union shall take effect on the next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board, and upon the formation of such union board all property heretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts, agreements and obligations of the boards so uniting shall become debts, contracts, agreements and obligations of the union board.

Former trustees to continue in office.

(3) The members of the high school and public school boards forming the union who are then in office shall continue in office until the expiration of the term for which they were respectively appointed or elected and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board. 9 Edw. VII. c. 94, s. 13.

New trustees to be elected and appointed pursuant to public and high schools Acts.

To be a corporation.

14. Every union board shall be a corporation by the name of "The Board of Education for (*naming the municipality in which the high school is situate*)," and such corporation shall have all the powers, perform all the duties, and be subject to all the obligations of high school and public school boards. 9 Edw. VII. c. 94, s. 14.

15.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof the board shall be dissolved on the next date, following such vote, fixed by this Act for holding the first meeting of union boards. Dissolution of union boards.

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. On dissolution the different members to continue as members of separate boards.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose. Division of property on dissolution.

(4) If no division is made within six months after the dissolution the division shall be made forthwith by the council of the local municipality in which the high school is situate. 9 Edw. VII. c. 94, s. 15. When council to make division.

16. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. 9 Edw. VII. c. 94, s. 16; 2 Geo. V. c. 76, s. 25. First meeting in each year.

GENERAL PROVISIONS.

17.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and if no room is provided at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. Municipal and union board, proceedings at first meeting.

(2) At the first meeting in each year of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board. 9 Edw. VII. c. 94, s. 17 (1, 2). Election of chairman.

Casting vote. (3) In case of an equality of votes the elected member who has received the largest number of votes at his election shall have a second or casting vote. 10 Edw. VII. c. 26, s. 26 (2).

Vice-chairman. (4) The members of the board may also elect one of their number to be vice-chairman and he shall preside in the absence of the chairman.

Temporary chairman. (5) If at any meeting neither the chairman nor vice-chairman is present the members present may elect a chairman for that meeting.

Secretary-treasurer. (6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Who to preside during election of chairman. (7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose.

Acting secretary provided for. (8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. 9 Edw. VII. c. 94, s. 17 (4-8).

Quorum. **18.** The presence of a majority of all the members constituting a board shall be necessary to form a quorum. 9 Edw. VII. c. 94, s. 18.

Chairman may vote. **19.** The chairman or vice-chairman or member presiding may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. 9 Edw. VII. c. 94, s. 19.

Certain questions negatived when there is an equality of votes.

Disqualification. **20.** The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. 9 Edw. VII. c. 94, s. 20.

Rev. Stat. c. 266.
Rev. Stat. c. 268.

Special and advanced courses of study in high schools. **21.—**(1) Every board of education having jurisdiction over more than one high school with the approval of the Minister of Education may

(a) make such modifications of the school courses prescribed for the high, industrial, technical and arts schools under its jurisdiction as it deems expedient; 9 Edw. VII. c. 94, s. 21 (1) (a); 1 Geo. V. c. 17, s. 58 (1).

(b) provide for special or advanced instruction in any of such courses; 9 Edw. VII. c. 94, s. 21 (b);

(c) designate such schools, or any of them, English, Commercial, Technical, Industrial, Art or Classical High Schools according to the course or courses of instruction provided therefor. 9 Edw. VII. c. 94, s. 21 (1) (c); 1 Geo. V. c. 17, s. 58 (2).

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. Application of regulations.
Rev. Stat. c. 265.

22. A member of a board who is a separate school supporter shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. 9 Edw. VII. c. 94, s. 22; 2 Geo. V. c. 76, s. 26. Restriction upon member who is separate school supporter.

23. The provisions of *The Public Schools Act* and of *The High Schools Act* and of *The Industrial Education Act* and of all amendments thereto, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act they shall not apply to municipal boards or union boards. 9 Edw. VII. c. 94, s. 23; 2 Geo. V. c. 76, s. 27. This Act to be read with certain other Acts.
Rev. Stat. c. 266.
Rev. Stat. c. 268.
Rev. Stat. c. 276.

CHAPTER 270.

An Act respecting Separate Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Separate Schools Act*. 3-4 Geo. V. c. 71, s. 1.

PART I.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions on which separate schools may be established. **2.** Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. 3-4 Geo. V. c. 71, s. 2.

Coloured people. **3.** Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. 3-4 Geo. V. c. 71, s. 3.

Location. **4.** In a township the council shall prescribe the location of the school or schools authorized to be established under the next preceding two sections. 3-4 Geo. V. c. 71, s. 4.

Who may be supporter of school for coloured people. **5.** No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house. 3-4 Geo. V. c. 71, s. 5.

Election of trustees. **6.** There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 27. 3-4 Geo. V. c. 71, s. 6.

Commencement and regulations. **7.** On the twenty-fifth day of December next following the date of the application mentioned in section 2 and section 3 the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. 3-4 Geo. V. c. 71, s. 7.

8. None but coloured people shall vote at the election of trustees of a separate school established for coloured people; and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. 3-4 Geo. V. c. 71, s. 8. Voters defined.

9. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. 3-4 Geo. V. c. 71, s. 9. Union of wards in cities and towns.

10. No Protestant separate school shall be established in any school section except when the teacher of the public school in such section is a Roman Catholic. 3-4 Geo. V. c. 71, s. 10. Restriction upon establishment of Protestant school.

11.—(1) In a city, town, village or township public school section in which a separate school exists every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school. Exemption from public school rates.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. 3-4 Geo. V. c. 71, s. 11. Exemption conditional.

12. Separate schools shall not share in money raised by local municipal assessment for public school purposes. 3-4 Geo. V. c. 71, s. 12. Not to share.

13. Every separate school shall share in the legislative public school grants in like manner as a public school. 3-4 Geo. V. c. 71, s. 13. Share of legislative grant.

14.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period. Half-yearly return to inspector.

Inspector
to report
to clerk.

(2) The Inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

Exemption of
supporters of
separate
schools
from rates.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate, and the board of trustees shall not include in their school rolls any person whose name appears upon the last mentioned return.

Use of
assessor's roll
by board.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of such roll so far as it relates to their school section. 3-4 Geo. V. c. 71, s. 14.

Application of
ss. 28 to 49,
51 to 54, and
89.

15. Sections 28 to 49, 51 to 54 and 89 shall apply to the trustees and teachers of such separate schools. 3-4 Geo. V. c. 71, s. 15.

Corporate
name.

16. The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of (as the case may be), in the Township (City, Town or Village, as the case may be), of ,", and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 67. 3-4 Geo. V. c. 71, s. 16.

Powers.

PART II.

ROMAN CATHOLIC SEPARATE SCHOOLS.

ESTABLISHMENT.

Application
of following
part of Act.

17. This Part shall apply to separate schools for Roman Catholics now or hereafter established. 3-4 Geo. V. c. 71, s. 17.

Interpretation.

18. In this Part,

"Regulations."
Rev. Stat.
c. 265.

(a) "Regulations" shall mean regulations made under *The Department of Education Act*;

"Rural
School."

(b) "Rural school" shall mean separate school for Roman Catholics in a township or in territory without municipal organization;

- (c) "Secretary" or "Treasurer" shall include a Secretary-Treasurer; "Secretary-treasurer."
- (d) "Separate school" shall mean separate school for Roman Catholics; "Separate school."
- (e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. "Urban school." 3-4 Geo. V. c. 71, s. 18.

19. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. Meeting to establish a separate school. 3-4 Geo. V. c. 71, s. 19.

20. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. Election of trustees. 3-4 Geo. V. c. 71, s. 20.

21.—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees. Notice of meeting; and to whom given.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education. Notification of result to Department.

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or town or village) of " and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number , in the Township of " 3-4 Geo. V. c. 71, s. 21. Corporate name of trustees.

SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

22.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of Meeting for purpose of electing trustees.

their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Legislative
grants.

(2) On receipt of notice by the Department of Education, signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes the Minister of Education may pay to the board out of the appropriation made by this Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council.

Appointment
of collector.

(3) The Board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five nor more than ten per centum on the money collected by him; and every collector shall give such security as may be required by the board.

Powers and
duties of
collectors.

(4) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscription, and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. 34 Geo. V. c. 71, s. 22.

RURAL SEPARATE SCHOOLS.

Meetings of Supporters and Elections.

Trustees' term
of office.

23. For every rural school there shall be three trustees each of whom, after the first election, shall hold office for three years and until his successor has been elected. 3-4 Geo. V. c. 71, s. 23.

Retirement
by rotation.

24.—(1) The trustees elected at the first meeting shall hold office,

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

(3) A trustee may resign with the consent in writing of the other trustees. Resignations.

(4) A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. Re-election. 3-4 Geo. V. c. 71, s. 24.

25. Any person being a British subject not less than twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. Trustee's qualification. 3-4 Geo. V. c. 71, s. 25.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of such school. Electors, qualification of. 3-4 Geo. V. c. 71, s. 26.

27.—(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees. Annual meeting, when held.

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part. Organization of meeting.

(3) The business of the meeting may be conducted in the following order: Order of business.

(a) receiving and dealing with the annual report of the trustees;

(b) receiving and dealing with the annual report of the auditors;

(c) electing one or more auditors for the current year;

(d) electing a trustee or trustees to fill any vacancy or vacancies; and

(e) miscellaneous business.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record as herein directed Granting poll and proceedings in case of a poll.

the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name.

Entries in
poll-book.

(6) Where a poll is demanded upon a school question by any two supporters the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against."

When voter is
objected to.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration:

Declaration
by voter.

I, A.B., declare

- (a) That I am an assessed householder or freeholder in School Section No. —;
- (b) That I am of the full age of 21 years;
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No.—;
- (d) That as such supporter I have the right to vote at this meeting,

whereupon the person making such declaration shall be entitled to vote.

When poll
shall close.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

Polling at
afternoon
meetings.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Transmitting
minutes to
Department.

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education.

Meetings to
be called in
default of
first or annual
meetings.

(11) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days' notice posted up in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 3-4 Geo. V. c. 71. s. 27.

Organization of Board.

28. A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. 3-4 Geo. V. c. 71, s. 28. Organization and quorum.

29. No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. 3-4 Geo. V. c. 71, s. 29. Regularity.

Duties of Secretary.

30. It shall be the duty of the secretary to

Duties of
secretary.

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. 3-4 Geo. V. c. 71, s. 30.

Duties of Treasurer.

31. It shall be the duty of the treasurer to

Duties of
treasurer.

- (a) receive all school money collected from the supporters of the school and account for the same;
- (b) disburse all such money in the manner directed by the board;
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. 3-4 Geo. V. c. 71, s. 31.

Appointment of Auditor by Minister.

32. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. 3-4 Geo. V. c. 71, s. 32. Appointment of auditor by Minister.

Union Boards.

What unions
may be
formed.

33.—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 27.

Corporate
name.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections numbers _____ in the _____" 3-4 Geo. V. c. 71, s. 33.

School Sites.

Selection and
change of
school site.

34.—(1) The board shall have power to select a site for a new school-house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting of the supporters of the school to consider the site selected; and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Arbitration
when trustees
and ratepayers
differ as
to site.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf shall be the third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Award.

Reconsidera-
tion of award.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. 3-4 Geo. V. c. 71, s. 34.

Separation.

Establishment
of separate
school in a
rural section.

35.—(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers

assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the Inspector of separate schools that the separate school supporters in such township or portion of a township are desirous of establishing a separate school therein, the Inspector may signify in writing to the board his approval of the establishment of such separate school; and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

(2) The Inspector and two other persons, one of whom ^{Arbitration.} shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban municipality and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. ^{Property liable for debentures.} 3-4 Geo. V. c. 71, s. 35:

URBAN BOARDS.

Trustees and Tenure of Office.

36.—(1) For every ward into which a city or town is divided there shall be two trustees each of whom, after the first election, shall continue in office for two years. ^{Trustees in city, etc., divided into wards.}

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer. ^{Retirement by rotation.} 3-4 Geo. V. c. 71, s. 36.

37.—(1) In every village there shall be six trustees each of whom, after the first election, shall continue in office for two years. ^{Trustees in village.}

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other three shall continue in office for one year longer. ^{Retirement by rotation.} 3-4 Geo. V. c. 71, s. 37.

Term of office. **38.** A trustee shall continue in office until his successor has been elected. 3-4 Geo. V. c. 71, s. 38.

Election of Trustees.

Nominations. **39.**—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days' notice of the meeting.

Returning officer. (2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer a chairman chosen by the meeting shall preside.

Proceedings at nominations. (3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Hours of polling. (4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for nomination and election. (5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of returning officer after close of election. (6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of secretary. (7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so

returned, and shall declare elected the candidate or candidates having the highest number of votes.

(8) If two or more candidates have an equal number of votes at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election. Casting vote.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 40. Voting to be open.

(10) In a city or town divided into wards the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then revised assessment roll and not being already upon the voters' list. Furnishing voters' list in cities and towns divided into wards.

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village, as provided by the next preceding subsection. Furnishing voters' list in towns not divided into wards, and in villages.

(12) The board shall provide every polling place with such lists and with a poll book. For each polling place.

(13) At every election at which a poll is demanded the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against." Entries in poll-book.

(14) If an objection is taken to the right of any person to vote the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 7 of section 27. Declaration by voters.

(15) Where a school supporter resides without the municipality in which the school is situate he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. Where non-resident is to vote.
3-4 Geo. V. c. 71, s. 39.

Adeption
of ballot.

40.—(1) The board may, by resolution passed between the first day of May and the first day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Discontinu-
ance.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 39.

Ballot not
to be dis-
continued or
resumed for
three years
after the
change.

(3) Where the board requires the voting to be by ballot and elections are so held no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued the provisions of section 39 shall apply for a period of three years at least after such discontinuance. 3-4 Geo. V. c. 71, s. 40.

Municipal Act
to apply.

41. Where the voting is to be by ballot the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to re-count, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that

Rev. Stat.
c. 192.

Form of oath.

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic Separate School supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

Casting vote.

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

Duties of
Secretary.

(c) the duties to be performed by the clerk shall be performed by the secretary; and

- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. 3-4 Geo. V. c. 71, s. 41.

Irregularities not to void Elections.

42. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. 3-4 Geo. V. c. 71, s. 42.

No election to be invalid for want of compliance with principles of Act where result not affected.

Controverted Elections.

43.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Investigation of complaints by judge.

(2) The judge may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Powers of judge.

(3) The judge may order a person found by him not to have been duly elected to be removed; and if the judge determines that any other person was duly elected he may order him to be admitted; and if he determines that no other person was duly elected instead of the person removed he shall order a new election to be held and shall report such decision to the secretary of the board.

Order of judge.

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. 3-4 Geo. V. c. 71, s. 43.

Bribery and undue influence. Rev. Stat. c. 192.

MEETINGS OF THE BOARD.

44.—(1) At the first meeting in each year the secretary shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

Chairman at first meeting.

- Casting vote.** (2) In case of an equality of votes at the election of chairman the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.
- Subsequent meetings.** (3) Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board.
- Special meetings.** (4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting.
- Presiding officer.** (5) The chairman shall preside or, in his absence, any member appointed to act as chairman by the majority of those present, and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.
- Equality of votes.**
- Quorum.** (6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 39 a majority of the trustees remaining in office shall constitute a quorum. 3-4 Geo. V. c. 71, s. 44.

DUTIES AND POWERS OF TRUSTEES.

- Duties of board.** **45.** It shall be the duty of every board and it shall have power to
- Appointment of officers.** (a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate bills;
- (i) The collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;
- Appoint auditors.** (b) appoint annually on or before the 1st day of December an auditor or auditors;
- Accounts.** (c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money;
- To provide accommodation and teachers.** (d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the Regulations, for all children be-

tween the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year;

- (e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition; To provide and maintain school premises.
- (f) where the board does not appoint a collector, apply to the municipal council, on or before the first day of August in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums; Collection of rates.
- (g) give notice in writing, before the 15th day of January in each year, to the Department of Education of the names and post-office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein; Notice of names and addresses.
- (h) give orders on the treasurer of the board for all money to be expended for school purposes; Orders for money expended.
- (i) exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person; and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the first day of August; Exemptions and notice thereof.
- (j) dismiss from a school any pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school; Dismissal of refractory pupils.
- (k) take possession and have the custody and safe keeping of all school property acquired or given for school purposes; and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received: and dispose by sale or otherwise of any school site or school property not required in conse-

quence of a change of school site or other cause, and convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

- Annual report. (l) prepare and transmit annually, before the 15th day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the Regulations;
- Other powers and duties. (m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act;
- Supervision. (n) see that every school under its charge is conducted according to this Act and the regulations, and provide school registers and a visitors' book in the prescribed form;
- Travelling expenses attending teachers' association. (o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Ontario Educational Association or other like association of teachers in Ontario;

In the case of an urban board,

- Determine number and kind of schools, etc. (p) determine the number, kind, grade and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration and the duties which they are to perform;
- To appoint a committee for each school. (q) appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and see that all the schools under its charge are conducted according to the regulations;
- Books and school supplies. (r) collect, at its discretion, from the parents or guardians of children attending any school under its charge a sum not exceeding twenty cents per month per pupil to defray the cost of text-books, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of text-books;
- Cadet corps and athletics. (s) expend such sums as it may deem expedient for establishing and maintaining cadet corps and for

promoting and encouraging gymnastic or other athletic exercises not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill;

In the case of a rural board,

- (t) appoint the place of each annual school meeting of ^{Time and} the supporters of the school, and the time and ^{place of} place of any special meeting for ^{meetings.}
- (i.) filling any vacancy in the board,
- (ii.) the selection of a new school site,
- (iii.) the appointment of a school auditor, or
- (iv.) any other school purpose, and cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;
- (u) arrange for the payment of teachers' salaries ^{Payment of} quarterly, and, if necessary, borrow on its promissory ^{salaries.} note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, the money required for that purpose until the taxes are collected;
- (v) cause to be prepared and read at the annual school ^{Annual report.} meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;
- (w) ascertain and report to the Minister of Education, ^{Report on} at least once in each year, the names and ages of ^{blind, deaf} all children of school age who would otherwise be required to attend a school under its charge, ^{and dumb.} who are deaf and dumb or blind. 3-4 Geo. V. c. 71, s. 45.

VACANCY IN OFFICE OF TRUSTEE.

46.—(1) If a vacancy in the office of trustee occurs from ^{Vacancy in} any cause the remaining trustees shall forthwith take steps to ^{office of} hold a new election to fill the vacancy, and the person there- ^{trustee.} upon elected shall hold his seat, for the residue of the term for which his predecessor held office.

Proceedings at
new election.

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and, in the case of an urban board, the board shall give at least six days' notice of the meeting for the nomination of candidates and, if a poll is demanded, the election shall be held one week from the day of the nomination. 3-4 Geo. V. c. 71, s. 46.

TEACHER.

Valid agree-
ments with
teacher.

47. Every agreement between a board and a teacher, to be valid and binding, shall be in writing signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. 3-4 Geo. V. c. 71, s. 47.

Duties of
teacher.

48. It shall be the duty of every teacher to

Instruction.

(a) teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the Regulations;

Keeping
registers.

(b) keep in the prescribed form the general, entrance, and daily class or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils;

Order and
discipline.

(c) maintain proper order and discipline in his schools according to the Regulations;

Visitors'
book.

(d) keep a visitor's book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit;

Give access
to register
and visitors'
book.

(e) afford the trustees and visitors access at all times when desired by them to the registers and visitors' book;

Deliver up
register
and key.

(f) deliver up the school register, visitors' book, school-house key or other school property in his possession on the demand or order of the board;

(i.) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board;

Examinations.

(g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school-house, and through the pupils to their parents or guardians;

(h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character;

To furnish information to the Minister and inspector.

(i) prepare so far as the school registers supply the information such reports of the board as are required by the Regulations. 3-4 Geo. V. c. 71, s. 48.

To prepare reports.

49. An authorized text book in actual use may be changed by the teacher for any other authorized text book on the same subject with the written approval of the board and subject to the Regulations. 3-4 Geo. V. c. 71, s. 49.

Change of text-books.

50. Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. 3-4 Geo. V. c. 71, s. 50.

Certificates to teachers of separate schools.

51. Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 3-4 Geo. V. c. 71, s. 51.

Proportion of salary to which teacher is entitled.

52. Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. 3-4 Geo. V. c. 71, s. 52.

Case of sickness or dental treatment.

53. If at the expiration of a teacher's engagement his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid if an action to recover it is commenced within three months after the salary is due any payable. 3-4 Geo. V. c. 71, s. 53.

Protection of teachers in regard to salary.

54.—(1) All matters of difference between a board and a teacher in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided by this Act.

Provision in case of difference between teacher and trustees.

(2) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was

When judge may relieve board from extra liability.

willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 53 in whole or in part. 3-4 Geo. V. c. 71, s. 54.

ASSESSMENTS, BORROWING POWERS AND GRANTS.

Exemption of supporters of separate school from payment of public school rates on giving certain notice.

55.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a separate school.

No renewal required.

(2) The notice shall not be required to be renewed annually.

Time for giving notice by separate school supporter becoming resident in the municipality.

(3) Where an owner or tenant is not, on or before the first day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March of the year in which it is given.

Certificate of notice.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice to the effect that the same has been given and showing the date thereof.

Penalty for wilful false statements in notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall incur a penalty of \$40.

As to rates imposed before separate school established.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. 3-4 Geo. V. c. 71, s. 55.

Residence of supporters of separate schools.

56. Subject to the other provisions of this Part no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the school house. 3-4 Geo. V. c. 71, s. 56.

57.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter.

Where separate school supporter resides within three miles of two or more schools.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. 3-4 Geo. V. c. 71, s. 57.

Saving as to debenture debt.

58. When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the school house nearest to his place of residence is situate if within the distance of three miles in a direct line. 3-4 Geo. V. c. 71, s. 58.

Where person residing out of municipality to vote.

59.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

Liability of non-resident supporter.

(2) The board of the school of which he is a supporter shall on or before the first day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. 3-4 Geo. V. c. 71, s. 59.

How enforceable.

60. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. 3-4 Geo. V. c. 71, s. 60.

Right of non-residents to be assessed for separate school.

Rev. Stat. c. 195.

Notice of
withdrawal
of support.

61.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality before the second Wednesday in January in any year otherwise he shall be deemed to be a supporter of the school.

Exception.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support. 3-4 Geo. V. c. 71, s. 61.

Index book
of supporters
of separate
schools to be
kept by clerk.

62.—(1) The clerk of every municipality shall keep entered in an Index Book, Form A., and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by section 55 or by former Acts respecting separate schools.

Entries.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 61 or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance.

Inspection.

(3) The index book shall be open to inspection by any ratepayer.

Filings.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to be
guided by
index book.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. 3-4 Geo. V. c. 71. s. 62.

Correction of
mistakes in
assessing
separate
school
supporters.

63.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

Liability.

(2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. 3-4 Geo. V. c. 71. s. 63

64.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the head of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes. Distinguishing the school rates.

(2) The proceeds of any such rate shall be kept distinguished Idem. by the collector and accounted for accordingly. 3-4 Geo. V. c. 71, s. 64.

65.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision. Case of owner and occupant.

(2) Where, as between the owner and tenant or occupant the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. 3-4 Geo. V. c. 71, s. 65. When owner may exercise option.

66.—(1) A corporation by notice, Form B, to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which such corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school. Right of a corporation to support separate schools. Rev. Stat. c. 195.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of assessor.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or How proportions settled.

other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of notice.

(4) A notice given in pursuance of a resolution of the directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

Filing notice.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for notices.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. 3-4 Geo. V. c. 71, s. 66.

Powers of trustees.

67.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on which there are rates uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of their being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. 3-4 Geo V. c. 71, s. 67.

Trustees may copy assessment roll of municipality.

68. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. 3-4 Geo. V. c. 71, s. 68.

69. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 55, with the amount for which each person has been rated upon the assessment roll. 3-4 Geo. V. c. 71, s. 69.

70.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the board without any deduction whatever. 3-4 Geo. V. c. 71, s. 70.

71. In a municipality in which the assessment is made under a by-law passed under section 56 of *The Assessment Act* the notices required to be given under subsection 1 of section 55 shall be given on or before the fifteenth day of July, and the notice required to be given under subsection 1 of section 61 shall be given on or before the fourth Wednesday in May, and the request referred to in section 70 shall, if given, be given at the time mentioned therein or prior thereto if required by the council; and in subsection 3 of section 55 the words "first day of March" in the second and ninth lines thereof shall be read "fifteenth day of July." 3-4 Geo. V. c. 71, s. 71.

72.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

Termination. (3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. 3-4 Geo. V. c. 71, s. 72.

Right to establish and maintain continuation schools.

73. The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. 3-4 Geo. V. c. 71, s. 73.

County rate in aid of schools.

74.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise equivalent to legislative grant for fifth classes.

(2) The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportionment of school money in united counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county.

Grant for maintenance of fifth forms.

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms the council of the county in which the school is situate shall pay towards the maintenance of the fifth form a sum at least equal to the share of such legislative grant which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient.

How apportioned between counties.

(5) In the case of a separate school having in attendance children from two or more counties the council of each county shall pay a proportion of the whole sum required to be paid

under subsection 4 which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. 3-4 Geo. V. c. 71, s. 74.

75.—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the school-house property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of trustees of separate schools.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected. Terms of payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures; and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board. Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. Maturity. Rev. Stat. c. 192.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds. Sinking fund. Rev. Stat. c. 192.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or Publication of by-law.

county in which the separate school is situate; and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. 3-4 Geo. V. c. 71, s. 75.

Right of separate schools to a share of municipal grant.

76.—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportionment.

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant.

But not to any share of local assessment for public schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. 3-4 Geo. V. c. 71, s. 76.

MISCELLANEOUS.

Visitors of separate schools.

77. The Minister of Education, the judges of all courts, members of the assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. 3-4 Geo. V. c. 71, s. 77.

Inspection of schools.

78. The schools with their registers shall be subject to such inspection as may be directed by the Minister of Education and shall be subject also to the Regulations. 3-4 Geo. V. c. 71, s. 78.

Model schools for teachers of separate schools.

79. The Minister of Education may, subject to the Regulations, constitute a separate school in any county or district a Model School for the training of teachers for separate schools. 3-4 Geo. V. c. 71, s. 79.

Disagreement between trustees, inspectors, etc.

80. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be deter-

mined by the Minister of Education, subject to an appeal to the Lieutenant Governor in Council, whose decision shall be final. 3-4 Geo. V. c. 71, s. 80.

SUPERANNUATION.

81. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund, in such manner as may be prescribed by the Regulations, at least \$4 annually, but no payment of arrears which accrued before the first day of January, 1885, shall be allowed. 3-4 Geo. V. c. 71, s. 81.

82. On the death of any such teacher or inspector the wife, husband, or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. 3-4 Geo. V. c. 71, s. 82.

83.—(1) Every such teacher and inspector who while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. 3-4 Geo. V. c. 71, s. 83.

84. Every such teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character and disability. 3-4 Geo. V. c. 71, s. 84.

85.—(1) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first class county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

(2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. 3-4 Geo. V. c. 71, s. 85.

Teacher
resuming
profession.

86. If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector the payment of his allowance shall be suspended during the time he is so engaged; and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations. 3-4 Geo. V. c. 71, s. 86.

Again
retiring.

Forfeiture
of claim.

87. A teacher or inspector who having resumed his profession wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. 3-4 Geo. V. c. 71, s. 87.

Repayment
to contri-
butors.

88. A teacher or inspector who retires from the profession or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. 3-4 Geo. V. c. 71, s. 88.

Teachers not
availing
themselves
of Act.

89. Where a teacher or inspector does not avail himself of the provisions of section 81 or of section 88 sections 82 to 87 shall apply so far as relates to all sums already paid by them into the superannuation fund. 3-4 Geo. V. c. 71, s. 89.

Grant by
board to
superannua-
tion fund.

90.—(1) Subject to the Regulations the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Power of
investment.

(2) A separate school board may invest any money received through legacy, gift or otherwise in its hands for the purposes of a superannuation fund and as to such money shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 3-4 Geo. V. c. 71, s. 90.

Rev. Stat.
c. 121.

SCHOOL YEAR AND HOLIDAYS.

Terms.

91.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Holidays.

(2) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday.

(3) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 2 shall be allowed in each year. 3-4 Geo. V. c. 71, s. 91.

PENALTIES AND PROHIBITIONS.

92. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 3-4 Geo. V. c. 71, s. 92.

93. Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees shall incur a penalty of not less than \$5 nor more than \$10. 3-4 Geo. V. c. 71, s. 93.

94. A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. 3-4 Geo. V. c. 71, s. 94.

95. If a trustee is convicted of any indictable offence, becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school, or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant. 3-4 Geo. V. c. 71, s. 95.

96.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board; and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of two supporters of the school of the remaining trustee or trustees the Judge of the County or District court shall, on proof of the facts, declare the seat vacant.

vacant, and the remaining trustee or trustees shall forthwith order a new election.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes.

Newspaper proprietors inserting official advertisements not disqualified.

(4) No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 3-4 Geo V. c. 71, s. 96.

Penalty for disturbing a school or school meeting.

97. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 97.

Refusing to serve.

Disqualified person acting.

98. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. 3-4 Geo. V. c. 71, s. 98.

Penalty for refusal to perform duties.

99. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 99.

Penalty for failing to transmit minutes.

100. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 3-4 Geo. V. c. 71, s. 100.

Liability for neglect to take security.

101. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable

Exception.

efforts to procure the taking of such security. 3-4 Geo. V.
c. 71, s. 101.

102. A secretary or treasurer and a person having been a ^{Secretary-treasurer, or trustee refusing to deliver up books and money.} secretary or treasurer and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for and pay over the same or any part thereof to the person, and in the manner directed by the board or by other competent authority. 3-4 Geo. V.
c. 71, s. 102.

103.—(1) Upon application to a Judge of the County or ^{Summons for appearance.} District court by the board or by any two supporters of the school, supported by affidavit, showing such wrongful withholding or refusal the Judge may summon such secretary, treasurer, trustee, or person to appear before him at a time and place appointed by him.

(2) Any bailiff of a division court, upon being requested so ^{Service of summons.} to do, shall serve the summons or a true copy thereof on the person complained against personally or by leaving the same with a grown-up person at his residence.

(3) At the time and place so appointed the Judge, being ^{Order to account, etc.} satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint; and if he is of opinion that it is well founded the Judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow.

(4) In the event of non-compliance with the order the ^{Effect of non-compliance with Judge's order.} Judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

(5) Upon proof of his having so done the Judge shall make ^{Discharge upon compliance.} an order for his discharge and he shall be discharged accordingly.

(6) Upon proof that such person has done all in his power ^{Discharge upon terms.} to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. 3-4 Geo. V. c. 71, s. 103.

Penalty on
trustees
refusing
information,
etc., to
auditors.

104. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 104.

Penalty for
delaying
yearly
report.

105. If a board neglects to transmit its annual report to the Minister in accordance with clause (1) of section 45 each of them shall for every week during which the default continues and until such report is transmitted incur a penalty of \$5. 3-4 Geo. V. c. 71, s. 105.

Penalty for
false school
reports and
registers.

106. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall for every offence incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 106.

Personal
responsibility
for money
lost.

107.—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection
and applica-
tion.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. 3-4 Geo. V. c. 71, s. 107.

Recovery and
application
of penalties.

Rev. Stat.
c. 90.

108. Except as otherwise provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such separate school purposes as the Minister may direct. 3-4 Geo. V. c. 71, s. 108.

FORM A.

FORM OF INDEX BOOK.

(Section 62.)

Names.	Notices claiming exemption. When received.	Remarks.
Allen, John.....	3rd February, 19 .	Notice of withdrawal received 1st Janu- ary, 19 .
Ardagh, Joseph.....	3rd February, 19 .	Disallowed by Court of Revision, 1st June, 19 .
shbridge, Robert...	3rd February, 19 .	

3-4 Geo. V. c. 71, Form A.

FORM B.

(Section 66.)

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is herein-after designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of the company.

3-4 Geo. V. c. 71, Form B.

CHAPTER 271.

An Act respecting Industrial Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Industrial Schools Act*.
10 Edw. VII. c. 105, s. 1.

Interpretation.

2. In this Act,

"Board of Public School Trustees."

"Board of public school trustees" shall include a board of education.

"Industrial School."

"Industrial school" shall mean a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, and which has been certified by the Minister under section 3 of this Act.

"Industrial School Board."

"Industrial school board" shall mean and include a board of education, a board of public school trustees, a board of separate school trustees, a board of management or any other body having control of an industrial school.

"Inspector."

"Inspector" shall mean Superintendent of Neglected and Dependent Children or such other officer as may be designated by the Lieutenant-Governor in Council.

"Judge."

"Judge" shall include a Judge of the Supreme Court, a Judge of a County or District Court, a police magistrate and a justice of the peace.

"Minister."

"Minister" shall mean the Provincial Secretary of Ontario or other member of the Executive Council charged by the Lieutenant-Governor in Council with the administration of this Act.

"Municipality."

"Municipality" shall mean and include a city, county or a town separated from the county for municipal purposes, and a town having a population of 5,000 or over in a provisional judicial district.

"Philanthropic Society."

"Philanthropic society" shall mean a society approved by the Lieutenant-Governor in Council for the purposes of this Act. 10 Edw. VII. c. 105, s. 2.

3.—(1) The board of public school trustees or the board of separate school trustees of any city or town may acquire by purchase, lease or otherwise such real and personal property, and may erect, equip, and maintain such buildings as they may deem necessary or proper for the purposes of an industrial school, and may establish, control and manage an industrial school.

Establishment by school board.

(2) The board shall cause notice of the establishment of the school to be given to the Inspector who shall report thereon to the Minister.

Notice to Minister.

(3) If the Inspector reports in favour of such action the Minister may in writing under his hand certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. 10 Edw. VII. c. 105, s. 3.

Approval by Minister.

4.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon it by this Act respecting the establishment, control and management of an industrial school to any philanthropic society.

Delegation of powers to philanthropic society.

(2) Thereafter this Act shall apply to the philanthropic society as fully as to the board.

Application of Act to society.

(3) The chairman and secretary of the board of public school trustees of the city or town in which the industrial school is situated or under whose control it is placed and the chief public school inspector of the city or town shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees.

Representation of school boards on board of management.

(4) The chairman and secretary of the separate school board shall be members of the board of management of a society acting under powers delegated by the separate school board. 10 Edw. VII. c. 105, s. 4.

Representation of separate school board.

5.—(1) A philanthropic society to which the powers of a school board have been delegated, in addition to any powers which it may possess as to raising money on the security of its property, may borrow money on debentures to an amount not exceeding two-thirds of the value of the real and personal property owned by such society, and such debentures shall be a charge upon the real and personal property of the society.

Societies may borrow on debentures.

(2) A certificate of the number and amount of such debentures as they are issued under the seal of the society and signature of the president or secretary shall be filed in the proper registry office or land titles office, and shall be open to inspection on payment of 10 cents. 10 Edw. VII. c. 105, s. 5.

Registration of certificate of debentures.

Aid to industrial schools.

6. A school board authorized to establish an industrial school and the council of any municipality may grant aid to any industrial school in the same manner as to other schools notwithstanding that such school does not lie within the municipality wherein such school board or council has jurisdiction. 10 Edw. VII. c. 105, s. 6.

Corporation guaranteeing debentures.

7.—(1) The council of the city or town may by by-law guarantee any debentures issued for industrial school purposes to the amount authorized by section 5 of this Act.

Liability for debenture debt.

(2) Any debenture debt guaranteed by a municipal corporation under this section which has been incurred by the board of public school trustees or a philanthropic society acting under powers derived from such board shall be a liability of the supporters of public schools, and any debt incurred by the board of separate school trustees or by a philanthropic society acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. 10 Edw. VII. c. 105, s. 7.

Religious corporations empowered to grant or lease lands to industrial schools.

8. Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for industrial school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust. 10 Edw. VII. c. 105, s. 8.

Providing teachers and general superintendent.

9.—(1) A school board which has delegated its power to establish an industrial school shall provide the teachers necessary for the school, and the general superintendent shall when practicable be selected from the teachers so appointed.

Or paying per capita allowance instead of furnishing teachers.

(2) In lieu of providing such teachers the school board may annually pay a *per capita* allowance to the industrial school board for each child taught, but such allowance shall not be less than the average cost *per capita* for each child attending the industrial school in the then next preceding year.

Power as to teachers.

(3) Where the school board adopts such plan of payment the power of hiring and discharging teachers shall vest in the industrial school board. 10 Edw. VII. c. 105, s. 9.

Certain children under sixteen may be brought before judge.

10.—(1) Any person may bring before a Judge any child apparently under the age of sixteen years who

- (a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
- (b) is found wandering and has not any home or settled place of abode or proper guardianship;

(c) is found destitute either being an orphan or having a surviving parent who is undergoing imprisonment;

(d) is an habitual truant and whose parent or teacher represents that he is unable to control the child;

(e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) has been accused or found guilty of petty crime.

(2) No formal information shall be requisite, but the Judge shall have the child brought before him and shall in the presence of the child take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. Magistrate to inquire into truth of facts charged.

(3) The Judge shall hear all cases coming before him under this section in private. Hearing in private.

(4) If the Judge is satisfied on inquiry that it is expedient to deal with the child under this Act instead of committing him to a gaol or reformatory, he shall make his order in writing that the child be sent to an industrial school. 10 Edw. VII. c. 105, s. 10. Magistrate may order child to school.

11. Where under the authority of any statute of Ontario or of any other statute or law of Canada any person is convicted of an offence punishable by imprisonment, and the Judge before whom he is convicted is of opinion that such offender is under the age of sixteen years the Judge may make the order provided for in the next preceding section. 10 Edw. VII. c. 105, s. 11. Child under sixteen may be sent to industrial school.

12. The Inspector may by his order in writing direct that a child who has been placed in a foster home under the provisions of *The Children's Protection Act of Ontario* shall be sent to an industrial school. 10 Edw. VII. c. 105, s. 12. Inspector may send child to school. Rev. Stat. c. 231.

13. The Judge or Inspector shall endeavour to ascertain the religious persuasion to which the child belongs, and shall as far as practicable send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees. 10 Edw. VII. c. 105, s. 13. Religious persuasion of offenders.

14. Every child sent to an industrial school shall where practicable be taken to the school by an agent or member of a Children's Aid Society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance. 10 Edw. VII. c. 105, s. 14. Transportation of children to school.

Particulars
to be set
out in order.

15. The Judge or Inspector shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the child, his religious persuasion, and the municipality liable for his maintenance. 10 Edw. VII. c. 105, s. 15.

Depositions to
be delivered to
person execut-
ing warrant.

16. The Judge or Inspector shall deliver to the person having the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school. 10 Edw. VII. c. 105, s. 16.

Parole in
three years.

17.—(1) Every child sent to an industrial school shall within three years from the date of the order be given over to the custody of his or her parents or be apprenticed or placed out in a foster home as the industrial school board may deem advisable.

Rights of a
Board on
return of child
to school.

(2) After a child has been given over to the custody of his or her parents or has been apprenticed or placed out in a foster home the general superintendent of the school, with the approval of the Inspector, may if he deems it necessary in the interest of such child cause the child to be returned to the school and thereafter the Industrial School Board shall have the right to collect the amount for maintenance directed to be paid when such child was committed.

Supervision
after leaving
school.

(3) An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the Inspector. 10 Edw. VII. c. 105, s. 17.

Persons com-
mitted to
remain under
guardianship
until 21 years
old.

18. Subject to the provisions of section 19 every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of 21 years. 10 Edw. VII. c. 105, s. 18.

Transfer of
child from one
school to
another.

19. The Minister may at any time order that a child be transferred from one industrial school to another or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly. 10 Edw. VII. c. 105, s. 19.

Visits by
clergymen.

20. A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by regulations of the Minister. 10 Edw. VII. c. 105, s. 20.

21. An Industrial School Board may permit a child sent to the industrial school to live at the dwelling of any trustworthy and respectable person; but the control of such board over the child shall not thereby be abated or diminished, nor the liability of any municipality for the maintenance of such child increased. 10 Edw. VII. c. 105, s. 21.

Children may reside with respectable persons.

22. If the child leaves the person with whom he is placed without the permission of the Industrial School Board or refuses to return to the school he shall be deemed to have escaped from the school. 10 Edw. VII. c. 105, s. 22.

What shall be deemed escape from school.

23.—(1) If a child sent to an industrial school escapes from the school or neglects to attend thereat he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the school there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape.

Apprehension on escape or absence.

(2) Every person who aids or abets any child in such escape shall incur a penalty not exceeding \$25 to be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. 10 Edw. VII. c. 105, s. 23.

Aiding or abetting escape.

Rev. Stat. c. 90.

24. Where the maintenance of a child is not otherwise fully provided for the municipality in which the child resided for one year last preceding his admission to the school shall pay the sum of \$1.25 per week towards the expenses of maintenance. 10 Edw. VII. c. 105, s. 24.

Municipality liable for maintenance.

25. The Treasurer of Ontario shall pay towards the maintenance of every child sent to an industrial school from a provisional judicial district for whose maintenance a city or town is not liable the sum of 43 cents for each day's actual stay of the child in the school. 10 Edw. VII. c. 105, s. 25.

Children from unorganized territory.

26.—(1) On the complaint of an Industrial School Board or of a municipal corporation liable to contribute to the maintenance of a child in an industrial school the Judge of the Division Court of the division in which the parent, step-parent or guardian of the child resides may summon the parent, step-parent or guardian before him and may examine into his ability to maintain the child; and the Judge may if he thinks fit order the parent, step-parent or guardian to pay to the Industrial School Board or municipality such weekly sum, not exceeding \$1.25 per week, as to the Judge seems reasonable during the whole or any part of the time during which the child is liable to be detained in the school; and such order shall for all purposes be a judgment of the Division Court.

Power to order parents, etc., to maintain a child.

Varying the order for maintenance.

(2) On the application either of the parent, step-parent or guardian, or of the Industrial School Board or municipality, after fourteen days' notice of the application has been given to the other party, the Judge making such order or any other Judge holding the Division Court may from time to time vary the same. 10 Edw. VII. c. 105, s. 26.

Rules of management.

27. Every Industrial School Board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Inspector. 10 Edw. VII. c. 105, s. 27.

Provincial grant in aid.

28.—(1) The sum of twenty-five cents for each day's actual stay of a pupil in an industrial school complying with the requirements shall be paid quarterly by the Treasurer of Ontario to the Industrial School Board out of any money appropriated by this Legislature for that purpose.

How amount to be calculated.

(2) In calculating the amount of aid to be so given the day of departure of any pupil from such institution shall be included.

How grant to be payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the Inspector approved by the Minister. 10 Edw. VII. c. 105, s. 28.

Penalty in case of false return.

29. Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false statement in a return required by or under the authority of this Act shall incur a penalty of \$500 to be payable to the Treasurer of Ontario, and to be recoverable only at the suit of the Crown. 10 Edw. VII. c. 105, s. 29.

Inspection of schools receiving public aid.

30. The Inspector shall have the right to inspect every institution receiving aid under this Act, and shall from time to time report on the general management and efficiency of the work carried on. 10 Edw. VII. c. 105, s. 30.

Of public industrial school.

31.—(1) When required by the public school board the inspector of public schools for the city or town shall visit and inspect any industrial school established by such Board or by a philanthropic society to which it has delegated its powers for the purpose of reporting upon the efficiency of its teachers and the progress of the pupils in any of the branches of the school work coming within those prescribed by the Regulations of the Department of Education for public schools.

Of Roman Catholic industrial school.

(2) An inspector of separate schools upon the request of a separate school board may visit, inspect and report in like manner upon a Roman Catholic Industrial School established by such Board or by a philanthropic society to which it has delegated its powers.

(3) Save as aforesaid the inspector of public schools and the inspector of separate schools shall not be called upon to perform any duty and shall not possess any powers with respect to Industrial Schools. 10 Edw. VII. c. 105, s. 31.

Limit of powers and duties of inspectors.

CHAPTER 272.

An Act respecting Special Classes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Special Classes Act*.

Establishment of special classes for backward or defective children.

2. The board of education or the board of public school trustees or the board of separate school trustees of any city may establish and conduct in connection with any school building or in a separate school building provided for that purpose special classes for children

(a) who are backward or abnormally slow in learning;

(b) who from physical or mental causes require special training and education;

and subject to the regulations made by the Minister of Education may cause a register of such children to be made and may provide teachers and suitable appliances, books and furniture for such classes. 1 Geo. V. c. 78, s. 1.

How admission obtained.

3. Children may be admitted to such special classes upon the application of their parents or guardians and upon the report of the Inspector and the principal of any school at which they are in attendance. 1 Geo. V. c. 78, s. 2.

Medical inspection.

4. The board may provide for medical inspection by a duly qualified medical practitioner of the children attending special classes, and upon the recommendation of the medical inspector may provide for medical treatment being given to any child who appears to the medical inspector to require the same and whose parents are unable from poverty or other cause to provide adequately for the treatment of the child. 1 Geo. V. c. 78, s. 3.

Duty of school boards as to health and treatment of child.

5. It shall be the duty of a board which has established special classes under this Act to provide for the proper supervision of the health and treatment of every child attending a special class, and for this purpose to direct the medical inspector or such officer as the board may appoint to visit the children in their homes and to consult and advise with the parents of the children as to their treatment in their homes and the conditions which will best enable the children

to attain a normal degree of intelligence and education. 1 Geo. V. c. 78, s. 4.

6. Subject to the approval of the Minister the board may provide a special course of study for children attending the special classes established under this Act. 1 Geo. V. c. 78, s. 5.

7. The Minister of Education may from time to time make regulations for the administration and enforcement of this Act and for the establishment, organization, government and examination and inspection of special classes and for prescribing the accommodation and equipment of school rooms or buildings and the arrangement of school premises for special classes. 1 Geo. V. c. 78, s. 6.

8. Subject to the Regulations the Minister shall annually apportion among the special classes all sums of money appropriated as a special grant therefor. 1 Geo. V. c. 78, s. 7.

CHAPTER 273.

An Act respecting the Schools for the Instruction of the Deaf and Blind.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Schools for the Deaf and Blind*.

The Institution at Belleville to be for the public use of the Province, etc.
Name. **2.** The Institution at Belleville, for the education and instruction of the deaf and dumb, with the land, buildings and appurtenances, and any land thereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province, and shall be known and designated as "The Ontario School for the Deaf." R.S.O. 1897, c. 319, s. 1; 3-4 Geo. V. c. 18, s. 46, *part*.

The Institution at Brantford to be for the public use of the Province, etc.
Name. **3.** The Institution at Brantford, for the education and instruction of the blind, with all the land, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province, and shall be known and designated as "The Ontario School for the Blind." R.S.O. 1897, c. 319, s. 2; 3-4 Geo. V. c. 18, s. 46, *part*.

Objects of the institutions. **4.** Such institutions shall be for the purpose of educating and of imparting instruction in manual arts to such deaf persons and such blind persons as are born of parents, or are wards of persons, *bona fide* residents of Ontario. R.S.O. 1897, c. 319, s. 3.

Appointment of officers. **5.** The Lieutenant-Governor in Council may appoint to each of such Institutions, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors and servants as he may deem necessary; and may also fix the salary of every such officer and servant. R.S.O. 1897, c. 319, s. 4.

Salaries.

Minister of Education and his powers. **6.**—(1) The Institutions shall be under the control and direction of the Minister of Education, and he shall have power, and it shall be his duty, to make such regulations as he may deem expedient for their government, discipline and

management, prescribing and regulating the duties of the principals, bursars, physicians, matrons, and other officers, instructors and servants employed in or about such institutions; for the education and instruction of the pupils; and, subject to the provisions of this Act, prescribing the terms and conditions upon which pupils shall be admitted to, and remain in, the institutions, and the period for which they shall be allowed to remain therein, and for their discharge therefrom. R.S.O. 1897, c. 319, s. 6; 5 Edw. VII. c. 38, s. 1 and 2, *redrafted*. Regulations.

(2) No such regulations shall have any effect until approved by the Lieutenant-Governor in Council. R.S.O. 1897, c. 319, s. 6. Approval by
Lieutenant-
Governor.

7.—(1) No person shall be admitted to either institution except for the purposes of education and instruction, or who is over the age of twenty-one years, except with the consent in writing of the Minister of Education, and upon the report of the principal of such institution to the Minister of the particulars and special circumstances which, in his opinion, justify such admission. Admittance.

(2) Where a person is admitted under the next preceding subsection the Minister shall determine how the cost of his maintenance and support shall be borne. Maintenance,
cost of.

(3) The principal of the institution shall report half yearly to the Minister whether in his opinion the terms upon which such person is maintained and supported should be continued, giving the particulars and special circumstances, upon which his opinion is founded. Report to be
made half-
yearly.

(4) The Minister may at any time direct the discharge of any such person or may vary the terms upon which he is being supported and maintained in the institution. 6 Edw. VII. c. 57, s. 1. Discharge,
or variation
in terms.

CHAPTER 274.

An Act respecting Truancy and Compulsory School Attendance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Truancy Act*. 9 Edw. VII. c. 92, s. 1.

Interpretation. **2.** In this Act—

“Inspector.” (a) “Inspector” shall mean an inspector of public or separate schools;

“Principal.” (b) “Principal” shall mean the head teacher of a public, separate or private school;

“Regulations.” (c) “Regulations” shall mean regulations made under the authority of *The Department of Education Act*;
Rev. Stat. c. 265.

“School.” (d) “School” shall mean a public or separate school or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic. 9 Edw. VII. c. 92, s. 2.

Children from 8 to 14 to attend school. **3.** Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons hereinafter mentioned. 9 Edw. VII. c. 92, s. 3.

Duty of persons with whom children reside. **4.** A person who has received into his house another person's child under the age of fourteen who is resident with him or is in his care or legal custody shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent if he fails to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. 9 Edw. VII. c. 92, s. 4.

Exemptions from penalties. **5.—(1)** A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) the child is under efficient instruction at home or elsewhere;
- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) there is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;
- (d) there is not sufficient accommodation in the school which the child has the right to attend.
- (e) the child has been excused, as hereinafter provided, by a justice of the peace or by the principal of the school which the child is entitled to attend; or
- (f) the child has passed the entrance examination for high schools prescribed by the Regulations, or has completed the course prescribed for the fourth form of the public schools or a course which gives him an equivalent standing. 9 Edw. VII. c. 92, s. 5.

(2) The fact that the child is blind or deaf and dumb shall not be deemed an unavoidable cause within the meaning of clause (b) of this section if the child is a fit subject for admission to The Ontario School for the Deaf or The Ontario School for the Blind. 3-4 Geo. V. c. 70, s. 36.

When blind or deaf and dumb child within Act.

6.—(1) No child under the age of fourteen years who has not a valid excuse under this Act shall be employed by any person during school hours while the public school of the section or municipality in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$20.

Employment of children during school hours prohibited.

Penalty.

(2) Where in the opinion of a justice of the peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. 9 Edw. VII. c. 92, s. 6.

When Justice of the Peace or principal may relieve child from attendance.

7.—(1) The police commissioners and, where there are no police commissioners, the municipal council of every city, town and village shall appoint, control and pay one or more truant officers for the enforcement of this Act, and notice of such appointment shall be forthwith given to the school boards of the municipality.

Appointment and regulation of truant officers.

Truant officer
to have
powers of
peace officer.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act. 9 Edw. VII. c. 92, s. 7 (1-2).

Appointments
in townships.

(3) The council of a county or township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town or village. 9 Edw. VII. c. 92, s. 7 (3); 3-4 Geo. V. c. 70, s. 37.

Township
clerk to
notify boards.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed. 9 Edw. VII. c. 92, s. 7 (4).

When school
board of
section may
appoint.

(5) If both councils neglect to appoint a truant officer before the 1st day of February in any year the board of a school section may appoint a truant officer for the section. 9 Edw. VII. c. 92, s. 7 (5); 3-4 Geo. V. c. 70, s. 38.

In unorgan-
ized territory.

(6) The board of school trustees of a school section in territory without municipal organization may appoint a truant officer for the section. 1 Geo. V. c. 17, s. 59.

Rules.

(7) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

Notice of
appointment.

(8) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

Monthly and
annual reports

(9) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

Acting under
inspector.

(10) Where the appointing body so directs a truant officer shall perform his duties under the direction of the inspector. 9 Edw. VII. c. 92, s. 7 (6-9).

Truant officers
to investigate
cases of
truancy.

8. Every truant officer shall examine into all cases of truancy within his knowledge or when requested to do so by the inspector or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truants and their parents or guardians in writing of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act to cause the child to attend some school forthwith. 9 Edw. VII. c. 92, s. 8.

Conviction
and penalty
for violation
of Act.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and

fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$5 nor more than \$20.

(2) The court may instead of imposing a penalty require a person convicted of an offence under this section to give a bond in the penal sum of \$100, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days cause the child to attend some school as required by this Act. 9 Edw. VII. c. 92, s. 9.

Requiring
security
instead of
penalty.

10. Every truant officer shall institute or cause to be instituted proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. 9 Edw. VII. c. 92, s. 10.

Truant officers
to institute
proceedings.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

Teachers to
report to
truant officer.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. 9 Edw. VII. c. 92, s. 11.

Reports.

12. Where any of the provisions of this Act are violated by a corporation proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. 9 Edw. VII. c. 92, s. 12.

Violations
of Act by
corporations.

13. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. 9 Edw. VII. c. 92, s. 13.

Penalty for
neglecting
to enforce
the Act.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 9 Edw. VII. c. 92, s. 14.

Recovery of
penalties.
Rev. Stat.
c. 90.

15. A conviction or order made in any matter arising under this Act shall not be removed either at the instance of the Crown or of any private person into the Supreme Court. 9 Edw. VII. c. 92, s. 15.

Convictions
not to be
removed.

Onus of proof
of age of
child.

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. 9 Edw. VII. c. 92, s. 16.

Children of
separate school
supporters.

17.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

Absence on
holy days
excused.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. 9 Edw. VII. c. 92, s. 17.

CHAPTER 275.

An Act respecting the Compulsory School Attendance of Adolescents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Adolescent School Attendance Act*. 2 Geo. V. c. 77, s. 1. Short title.

2. In this Act,—

Interpretation.

(a) "Adolescent" shall mean a young person of either sex who has passed the high school entrance examination or completed the course of the fourth form of the public schools or an equivalent course and is under the age of seventeen years, or who is not less than fourteen nor more than seventeen years of age; "Adolescent."

(b) "Board" shall mean and include the board of high school trustees or board of education of a city, town or village, an urban board of Public School Trustees and an urban board of Separate School Trustees. 2 Geo. V. c. 77, s. 2. "Board."

3.—(1) A board may pass by-laws requiring the attendance of adolescents in a city, town or village under the jurisdiction of the board at day or evening classes to be established by the board or at some other classes or school in the municipality. Powers of board respecting classes for adolescents.

(2) Every such by-law shall be passed at a special meeting of the board called for the purpose of considering the same after public notice of the meeting and of the object thereof has been given once a week for four weeks in some newspaper published in the city, town or village, or if there is no such newspaper, in a newspaper published in an adjoining municipality or in a county or district town. 2 Geo. V. c. 77, s. 3. Special meeting for consideration of by-laws.

4. The by-laws may provide for

Provisions of by-laws. Compulsory attendance.

(a) the compulsory attendance of classes to be established by the board or at some other school or classes in the municipality of every adolescent who is not otherwise receiving a suitable education or who is not exempt by the by-law;

- Establishment of classes. (b) the establishment of day and evening classes for adolescents;
- Age of attendance. (c) fixing the age, not exceeding seventeen years, for such compulsory attendance;
- Courses of study,—providing instructors. (d) prescribing courses of study approved by the Minister of Education and providing instructors and teachers for such classes with qualifications approved by the Minister of Education;
- Distinguishing as to sex or occupation. (e) special classes for either sex or for both and for those engaged in particular trades or occupations designated in the by-law;
- Fixing times of compulsory attendance. (f) fixing the seasons and the number of hours in each day and in each week for the compulsory attendance required under the by-law. 2 Geo. V. c. 77, s. 4.

When by-law to be prepared by advisory industrial committee. Rev. Stat. c. 276.

5.—(1) In a city, town or village in which schools have been established under section 4 of *The Industrial Education Act* the terms of the by-laws, so far as they relate to adolescents engaged in trades or in industrial or manufacturing occupations, shall be settled by the advisory industrial committee.

When to be prepared by advisory commercial committee.

(2) In a city, town or village in which there is a commercial high school or in which there is a commercial department in a high school or continuation school the terms of the by-laws, so far as they relate to adolescents engaged as clerks in offices or in any other department of commercial business, shall be settled by the advisory commercial committee. 2 Geo. V. c. 77, s. 5.

When by-law to come into force.

6. Every by-law passed under this Act shall come into force at the expiration of thirty days from the passing thereof unless a petition is filed as hereinafter provided praying that it may be submitted to the electors. 2 Geo. V. c. 77, s. 6.

Petition for submission of by-law to electors.

7.—(1) If within thirty days after the passing of a by-law under this Act a petition signed by at least ten per cent. of the municipal electors in the municipality is filed with the clerk of the municipality praying that such by-law shall be submitted, the council shall, at a date not later than the next general municipal election in the municipality, submit the same in the manner provided by *The Municipal Act*, to a vote of the electors of the municipality qualified to vote at municipal elections.

Rev. Stat. c. 192.

By-law if assented to to come into force.

(2) If the by-law receives the assent of the majority of the electors voting thereon the clerk shall certify the result to the chairman of the board and the by-law shall thereupon come into force; but if the by-law does not receive such assent

it shall not come into force and no by-law for the same or a like purpose shall be passed by the board for at least one year thereafter. 2 Geo. V. c. 77, s. 7.

When by-law not assented to.

8. In a city, town or village for which there is an advisory industrial committee constituted under *The Industrial Education Act* that committee shall have the control and management of any classes established under a by-law prepared by it as provided in section 5, and in a city, town or village for which there is an advisory commercial committee constituted under *The Industrial Education Act* that committee shall have the control and management of the classes established under a by-law prepared by it as provided by section 5. 2 Geo. V. c. 77, s. 8.

Control of classes where there is an advisory industrial committee or advisory commercial committee under Rev. Stat. c. 276.

9. No adolescent shall be compellable to attend classes established under this Act if he,

Exemptions from attendance.

(a) is declared exempt by by-law under this Act; or

(b) has been granted special exemption by the board or committee having the control or management of the classes which he should otherwise attend; or

(c) is unable through sickness, infirmity or physical defect to attend such classes; or,

(d) has obtained a junior high school diploma or the equivalent thereof. 2 Geo. V. c. 77, s. 9.

10. Where a by-law passed under this Act is in force every person who has in his employment any adolescent to whom the by-law applies shall give notice to the board of such employment at such times as the by-law may require, and shall state in such notice the hours during which the adolescent is employed by him. 2 Geo. V. c. 77, s. 10.

Notice by employer of adolescents.

11.—(1) Every person who

Offences—

(a) fails to give the notice required by section 10; or,

(b) knowingly employs an adolescent at any time during which his attendance is by the by-law required at classes of instruction; or,

(c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such classes will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or,

(d) being a parent or guardian of an adolescent has by wilful default or neglect suffered or permitted the employment of the adolescent in violation of any

by-law passed under this Act, or suffers or permits such adolescent through want of proper care and control to violate any by-law requiring his attendance at such classes

Penalty. shall incur a penalty not exceeding \$5 for the first offence and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent shall incur a penalty not exceeding \$25.

Recovery of.
Rev. Stat.
c. 90. (2) The penalties imposed by this section shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 77, s. 11.

Powers and
duties of
truant officers.
Rev. Stat.
c. 274. **12.** For the purpose of enforcing any by-law passed under this Act the truant officer appointed under *The Truancy Act* shall have and may exercise the powers and shall perform the duties conferred and imposed upon him by that Act. 2 Geo. V. c. 77, s. 12.

Roman
Catholics. **13.—(1)** No by-law passed under this Act shall require the attendance of an adolescent who is a Roman Catholic at any of the classes of a public school.

Absence on
holy days
excused. (2) No penalty shall be imposed in respect to the absence of an adolescent from any school or from any classes established under this Act on a day regarded as a holy day by the church or religious denomination to which such adolescent belongs. 2 Geo. V. c. 77, s. 13.

CHAPTER 276.

An Act respecting Education for Industrial Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Industrial Education Act*. Short title.
3-4 Geo. V. c. 73, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "Board" shall mean and include a board of educa- "Board."
tion, and a board of high school trustees;

(b) "Minister" shall mean Minister of Education; "Minister."

(c) "Regulations" shall mean regulations made under "Regula-
the authority of *The Department of Education Act* tions,"
or of this Act. 3-4 Geo. V. c. 73, s. 2. Rev. Stat.
c. 265.

3. This Act shall apply to all art, industrial and technical Application
schools and courses, heretofore established under Acts of this of Act.
Legislature respecting high schools and technical schools and
in operation at the time of the passing of this Act; to the
art, industrial or technical schools and courses established under
this Act; and to agricultural and commercial high schools and
high school courses heretofore or hereafter established under
the Regulations. 3-4 Geo. V. c. 73, s. 3.

SCHOOLS AND COURSES.

4. With the approval of the Minister a high school board Classes of
or a board of education of any city, town or village, may pro- schools
vide for duly admitted pupils in the following classes of which may
schools: be established.

(a) general industrial schools and courses for instruc- General
tion in such subjects as may form a basal Industrial
preparation for the trades, including work-shop Schools and
practice, with correlated drawing, English, practical Courses.
mathematics and science, and the essential subjects
of a good general education;

(b) special industrial schools and courses for instruction Special
in the theoretical and practical work of parti- Industrial
cular trades carried on in the city, town or village, Schools and
Courses.

and, when deemed desirable, in the essential subjects of a good general education;

Technical
High
Schools and
High School
Courses.

- (c) technical high schools and high school courses for instruction for minor directive positions in industrial establishments;

Co-operative
Industrial
Courses.

- (d) part-time co-operative industrial courses in which and under such conditions as may be agreed upon between the employer and the advisory industrial committee, apprentices, whether articulated or not, employed in the work-shops may receive in the day schools instruction bearing upon their trades; and pupils attending the day schools may receive practical instruction in the work-shops;

Art Schools
and Courses.

- (e) schools and courses for instruction in the fine and applied arts;

Evening
Schools for
workmen and
workwomen.

- (f) industrial, technical and art evening schools in which workmen and workwomen employed during the day may receive theoretical and practical instruction in their trades or callings. 3-4 Geo. V. c. 73, s. 4.

Admission
of pupils to
schools and
courses.

5.—(1) Pupils duly admitted under the Regulations to a high school may be admitted to a technical high school or high school course.

Industrial
schools.

(2) Subject to the Regulations and on the report of the principal, approved by the advisory industrial committee, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to a general or special industrial school or part-time co-operative industrial course or a school or course for instruction in the fine and applied arts.

Workmen and
workwomen
employed
by day.

(3) Workmen or workwomen employed during the day may be admitted to an industrial, technical or art evening school or course subject to the Regulations and on the report of the principal, approved by the advisory industrial committee, that they are competent to receive instruction therein. 3-4 Geo. V. c. 73, s. 5.

ADVISORY COMMITTEES.

Advisory
Industrial
Committee,
how composed.

6.—(1) Every technical school established before the 21st March, 1911, and then in operation, and the schools mentioned in section 4, whether heretofore or hereafter established, shall be under the management and control of a committee composed of eight or twelve persons as the board may direct, the members of which shall be appointed by the board as follows:

- (a) when the number of persons is eight,

- (i) four members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any;
- (ii) two persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (iii) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate:

(b) when the number of persons is twelve,

- (i) six members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any,
- (ii) three persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate, and
- (iii) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate.

(2) The committee shall be known as the Advisory Industrial Committee. 3-4 Geo. V. c. 73, s. 6. Name of committee.

7.—(1) Where in accordance with the Regulations an agricultural or a commercial high school has been or is hereafter established or an agricultural or a commercial course is established in a high school or a continuation school, such a school or course shall be under the management and control of a committee composed of eight persons the members of which shall be appointed by the board as follows:—

- (a) four members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any;
- (b) four persons who are resident ratepayers of the local municipality or of the county or district in which

Advisory,
Agricultural
and Commer-
cial Committee,
how composed.

the school is situate or the course is established who are not members of the board and who,

- (i) in the case of an agricultural high school or commercial course are actually engaged in agricultural pursuits, or
- (ii) in the case of a commercial high school or commercial course are actually engaged in commercial pursuits.

Name of committee.

(2) The committee shall be known as the Advisory Agricultural Committee or the Advisory Commercial Committee, as the case may be. 2-4 Geo. V. c. 73, s. 7.

Appointment of members of committee.

8.—(1) The first members of an advisory committee shall be appointed at the meeting of the board at which a school or course is established for which an advisory committee is to be appointed under this Act.

Tenure of office of members who are members of board.

(2) The members appointed under subclause (i) of clause (a) of subsection 1 of section 6 and subclause (i) of clause (b) of section 6 and clause (a) of subsection 1 of section 7 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of office of other members.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Filling vacancies caused by retirement.

(4) The board, at its first meeting in each year after the establishment of the school or course, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Filling other vacancies.

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the Board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum.

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee.

Chairman voting.

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived.

Present members to remain in office.

(8) The members of an advisory committee holding office on the 6th day of May, 1913, shall continue to hold office until their successors are appointed as provided by this Act. 3-4 Geo. V. c. 73, s. 8.

9.—(1) An advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed; but

Co-opted
members.

(a) in the case of an advisory industrial committee an equal number of the persons so appointed shall be chosen from each of the classes mentioned in sub-clauses (ii) and (iii) of clauses (a) and (b) of subsection 1 of section 6; and

(b) in all cases the members so appointed shall belong to the classes from which persons not members of the board may be appointed by the board to the committee.

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. 3-4 Geo. V. c. 73, s. 9.

Tenure of
office.

10. The members of a committee appointed under this Act, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or course under the charge of the committee. 3-4 Geo. V. c. 73, s. 10.

Qualifica-
tion of
members.

11.—(1) Subject to the approval of the Minister and the board, every advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or course in a high, public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas.

Powers of
committee
subject to
approval of
Minister
and board.

(2) Subject to the approval of the board, the committee shall employ teachers and fix their salaries, report on every school or course under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or course during the year, and generally do all other things necessary for carrying out the objects and intent of this Act with respect to any school or course under its management and control.

Powers
subject to
approval
of board.

(3) The board shall not refuse its approval of any report of an advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by its chairman or by another member of the advisory committee appointed for that purpose.

When
approval
withheld.

Officers
of the
committee.

(4) The secretary and other officers of the Board shall be the officers of the advisory committee. 3-4 Geo. V. c. 73, s. 11.

Cost of
establishing,
equipping and
maintaining
a school, etc.

12.—(1) Subject to the Regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or course under its management and control, when and so far as they have been approved by the board, shall be included in its estimates submitted to the council of the municipality for the year. 3-4 Geo. V. c. 73, s. 12.

(2) Subject to the Regulations, the cost of establishing and maintaining, and of making additions, alterations or permanent improvements to every school established under section 4 or under chapter 79 of the Acts passed in the 1st year of His Majesty's reign, shall be provided in the same manner as in the case of a High School. See 1 Geo. V. c. 79, s. 11.

Apportion-
ment of
legislative
grant.

13. Subject to the Regulations the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or courses to which this Act applies. 3-4 Geo. V. c. 73, s. 13.

Regulations.

14. The Regulations may provide as to any class of schools or courses for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and courses not herein expressly provided for. 3-4 Geo. V. c. 73, s. 14.

Establishment
of evening
courses.

15. Where an advisory committee and the board of education or the board of public or separate school trustees so agree, evening courses in manual training and household science, art, agriculture or commerce under the charge of the Board shall thereafter be under the control and management of the advisory industrial, agricultural or commercial committee as the case may be. 3-4 Geo. V. c. 73, s. 15.

Establishing
evening
courses in
other centres.

16. Subject to the approval of the Minister an advisory committee may also establish and conduct special evening courses in any centre in the county outside of the district over which it has jurisdiction. 3-4 Geo. V. c. 73, s. 16.

CHAPTER 277.

An Act respecting the Acquisition of Land for School Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The School Sites Act*. 9 Edw. Short title.
VII. c. 93, s. 1.

2. In this Act

Interpreta-
tion.

- (a) "Board" shall mean and include the board of trustees of a public school section, the board of trustees of a union school section, a township board of school trustees, the board of public school trustees of a city, town or village, a board of education, a high school board and an advisory committee appointed under *The Industrial Education Act*. Board.
Rev. Stat.
c. 276.
- (b) "County Judge" and "Judge" shall mean the "County Senior Judge of the County or District Court of the County or District within which the Board has jurisdiction or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the Junior Judge of such County or District Court, and, if the Junior Judge is also a member of the Board or is unable to act or is disqualified, shall mean the Judge of the County or District Court of the adjoining County or District which has the largest population according to the last Dominion Census." "County Judge."
"Judge."
- (c) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. "Owner."
- (d) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and play grounds connected therewith, or other land required for school purposes or for the offices of a Board. 9 Edw. VII. c. 93, s. 2. "School site."

Powers and duties to be subject to regulations. Rev. Stat. c. 265.

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act.* 9 Edw. VII. c. 93, s. 3.

Restrictions as to selection in townships.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure-ground or dwelling-house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Exception.

Compensation to owner of orchard, etc.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure-ground or dwelling-house such sum as the Judge, on the application of the owner, shall determine to be a fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge.

Application of section limited.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000. 9 Edw. VII. c. 93, s. 4.

Board may purchase or expropriate.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that the same is required for a school site or for the enlargement of a school site. 9 Edw. VII. c. 93, s. 5.

Rev. Stat. c. 266.

Who may sell and convey to Board.

6.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator and every trustee (not only for and on behalf of himself, his heir and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

Where there is no person who can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey the Supreme Court may on the application of the Board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act. 9 Edw. VII. c. 93, s. 6.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. 9 Edw. VII. c. 93, s. 7.

Voluntary
submission to
arbitration.

Rev. Stat.
c. 65.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, or where no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator or, if they are unable to agree, the County Judge on the application of either party may appoint such third arbitrator. 9 Edw. VII. c. 93, s. 8.

Where owner
refuses to
sell or agree
to arbitration.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

Judge may
order notice to
be published
and mailed.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner and such other particulars as the Judge may direct.

Contents
of notice.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator the Judge may on the application of the Board appoint some competent person to be the sole arbitrator.

Appointment
of sole
arbitrator.

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator. 9 Edw. VII. c. 93, s. 9.

Surveyor giving
certificate
not to act.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to

Arbitrators
may determine
claims of en-
cumbrancer,
etc.

the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 9 Edw. VII. c. 93, s. 10.

Damages
caused by
severance.

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. 9 Edw. VII. c. 93, s. 11.

Right of
desistment.

12. (1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration.

Not to be
exercised more
than once.

(2) The right of desistment shall not be exercised more than once. 9 Edw. VII. c. 93, s. 12.

Costs of
arbitration.

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between solicitor and client. 9 Edw. VII. c. 93, s. 13.

Time within
which award
to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 9 Edw. VII. c. 93, s. 14.

Form of
award.

15. The award shall be in writing and, if required by the Board, shall be in duplicate, and shall contain a description of the land sufficient for the purpose of registration, and may be registered in the proper registry office on the affidavit of the Secretary of the Board verifying the same and showing that all money awarded by the arbitrators to be paid by the Board has been duly paid as required or permitted by this Act. 9 Edw. VII. c. 93, s. 15.

Award to be
good title.

16.—Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 9 Edw. VII. c. 93, s. 16.

Compensation
to be paid
within thirty
days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award.

Payment into
court.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in

doubt, or if for any other reason the Board deems it advisable the Board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. 9 Edw. VII. c. 93, s. 17.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 9 Edw. VII. c. 93, s. 18.

Compensation awarded to stand in the stead of land taken.

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act, unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. 9 Edw. VII. c. 93, s. 19.

Award not invalidated by informality.

20. —(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise.

Questions as to validity of proceedings, how to be determined

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do.

No appeal unless evidence taken down.

(3) The decision of the Judge shall be final unless special leave to appeal therefrom is given by a Judge of the Supreme Court, and if such leave is given an appeal shall lie to a Divisional Court and the decision of the Divisional Court shall be final. 9 Edw. VII. c. 93, s. 20.

Appeal to Divisional Court.

21. Except as herein otherwise provided the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators shall apply to every arbitration under the provisions of this Act. 9 Edw. VII. c. 93, s. 21.

Application of Arbitration Act.

Rev. Stat. c. 65.

CHAPTER 278.

An Act respecting Conveyances to Trustees for School Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The School Trust Conveyances Act*.

Conveyance of property for school sites to trustees.

2. Where persons, residing in Ontario, interested in any school established in any city, town, village or township therein, whether as parents of children, frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint trustees, not exceeding seven nor less than five in number, to whom and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. R.S.O. 1897, c. 295, s. 1.

Powers of trustees to hold.

3.—(1) Such trustees and their successors in perpetual succession, by the name expressed in such deed, may take, hold and possess such real property, and bring and maintain any action for the protection thereof, and of their right thereto; but there shall not be so held in trust more than ten acres of land at any time for any one school.

(2) This section shall not extend to public schools. R.S.O. 1897, c. 295, s. 2.

Registration of deed.

4. The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the registry office of the registry division in which the land lies. R.S.O. 1897, c. 295, s. 3.

CHAPTER 202.

An Act respecting Public Libraries and Art Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Libraries Act.*" Short title.
9 Edw. VII. c. 80, s. 1.

2. In this Act,—

Interpreta-
tion.

(a) "Board" in Part I. shall mean a Public Library "Board."
Board, in Part II. shall mean a Board of Manage-
ment of a Public Library Association, and in Part
III. shall include both;

(b) "Electors" shall mean persons qualified to vote at "Electors."
municipal elections;

(c) "Minister" shall mean Minister of Education; "Minister."

(d) "Regulations" shall mean regulations made under "Regulations."
the authority of *The Department of Education Act.* Rev. Stat.
c. 265.
9 Edw. VII. c. 80, s. 2.

PART I.

ESTABLISHMENT AND MANAGEMENT.

3. A public library may be established in any city, town, Establishment
of public
libraries. village, or police village in manner hereinafter provided. 9
Edw. VII. c. 80, s. 3.

4.—(1) The council of a city, town or village upon receipt Petition for.
of a petition, Form 1, signed, in the case of a city by at least
one hundred, in the case of a town by at least sixty, and in
the case of a village by at least thirty electors, shall prepare
and submit to the electors in the manner provided by *The* Rev. Stat.
c. 192.
Municipal Act a by-law, Form 2, for the establishment of a
public library.

(2) The council of the township, or the councils of the town- Township
by-laws for
police villages.
ships in which a police village is situate, upon receipt of a
petition, Form 1, signed by at least thirty electors resident
in such police village, shall prepare and submit to the electors
within the police village a by-law, Form 2. for the establish-
ment of a public library therein.

By-law for taking over property of library association.

(3) Where an association has been established under Part II., or under any Act relating to Mechanics' Institutes, and the members of such association, at any annual meeting or at a special meeting called for the purpose, by resolution declare that they desire that the library of the association be transferred to a board appointed under this Part, the council may submit to the electors a by-law for taking over the assets and property of the association and for establishing the library as a public library under this Part. 9 Edw. VII. c. 80, s. 4.

Duty of council to pass by-law.

5. Where the by-law receives the assent of the majority of the electors voting thereon it shall be the duty of the council to pass the same without unnecessary delay. 9 Edw. VII. c. 80, s. 5.

If defeated not to be re-submitted in same year.

6. Where the by-law does not receive such assent no new by-law for the same purpose shall be submitted to the electors within the same year. 9 Edw. VII. c. 80, s. 6.

Board of management.

7.—(1) The general management, regulation and control of the library, and of any reading-room, and museum established in connection therewith shall be vested in a board, which shall be composed of the mayor of the city or town, or the reeve of the village or township, and three other persons to be appointed by the council, three by the public school board, or the board of education, and two by the separate school board, if any.

How constituted.

Board in police village, how composed.

(2) The board in a police village shall be composed of the police trustees and two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Who not eligible.

(3) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board, and no person shall be appointed who is not a British subject and a resident of the municipality or police village.

Annual retirement of one member from each class.

(4) Of the members appointed by the council, and the public school board, or board of education and the separate school board, respectively, one shall retire annually but may be re-appointed.

Term of office of first members.

(5) Of the three members first appointed by the council and public school board or board of education respectively, one shall be appointed to hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board one shall be appointed to hold office until the first day of February after

his appointment, and one until the first day of February in the following year; but every member shall continue to hold office until his successor is appointed.

(6) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly.

When office of library trustee to become vacant.

(7) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Vacancies.

(8) Subject to the foregoing provisions each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

Terms of office of subsequent members.

(9) The first appointment of members shall be made at the first meeting of the appointing body after the final passing of the by-law, and the annual appointments thereafter shall be made at the first meeting of the appointing body after the first day of January in each year; and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time the same shall be made as soon as may be thereafter.

When appointments to be made.

(10) The board shall be made a body corporate by the name of "The — Public Library Board," inserting the name of the municipality or police village.

Corporate name.

(11) The board shall, at the first meeting in February of each year, elect one of its number as chairman who shall hold office for one year, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*, and the chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived.

Chairman.

(12) The board shall meet at least once in every month and at such other times as it may think fit.

Meetings.

(13) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice.

Special meetings.

notice in writing to each member specifying the purpose for which the meeting is called.

Quorum.

(14) No business shall be transacted at any general or special meeting unless four members are present.

Record of business.

(15) All orders and proceedings of the board shall be entered in books to be kept for that purpose and shall be signed by the chairman.

Record as evidence.

(16) The orders and proceedings so entered and purporting to be so signed shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceeding. 9 Edw. VII. c. 80, s. 7.

Duties of board.

8.—(1) Subject to the restrictions and provisions herein-after contained the board shall procure, erect, or rent the necessary buildings for the purposes of the library and reading-room, and for all other purposes authorized by this Act; and shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences for the library, reading-room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and shall provide the necessary fuel, lighting, and other accommodation; and may appoint and dismiss at pleasure the officers and servants of the board.

Limit as to expenditure on capital account.

(2) A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto exceeding in cost \$2,000 without the authority of the municipal council. 9 Edw. VII. c. 80, s. 8 (1, 2).

Reading-rooms, branch libraries, museums.

(3) A board may open a reading-room or museum, or both, in connection with the library; may establish branch libraries and branch reading-rooms in the municipality or police village. 9 Edw. VII. c. 80, s. 8 (3); 1 Geo. V. c. 79, s. 16 (1) *part*.

Museums in cities of 100,000.

(4) In a city having a population of 100,000 or over the board shall not establish a museum without the consent of the municipal council. 9 Edw. VII. c. 80, s. 8 (4).

Library Board in city of 200,000 may lease unoccupied portion of premises for art museum.

(5) The Board of a Public Library of a city having a population of 200,000 or over may permit an incorporated Art Museum to occupy, for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and

the Council of the museum may agree. 9 Edw. VII. c. 80, s. 8 (7).

9.—(1) The board may make rules for the use of the library, reading-rooms and museum, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading-rooms, and museum; and for the management of all property under its control; and may impose penalties for breaches of the rules, not exceeding \$10, for any offence. 9 Edw. VII. c. 80, s. 9 (1); 1 Geo. V. c. 79, s. 16 (1), *part*.

Board may make by-laws respecting use of library.

(2) After such rules have been published once a week for at least two weeks in a newspaper published in the municipality or police village, or in a newspaper circulated therein if no newspaper is published therein, they shall be binding on all persons concerned.

Promulgation of regulations.

(3) Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from persons liable for the same. 9 Edw. VII. c. 80, s. 9 (2, 3).

Recovery of damages.

10. The board shall submit to the municipal council, on or before the fifteenth day of February in each year, a detailed estimate of the several sums required for the ensuing financial year to pay

Submission of estimates by board to council.

(a) the interest on any money borrowed as hereinafter mentioned, and

(b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest, and

(c) the expense of maintaining and managing the libraries, reading-rooms and museums under its control. 9 Edw. VII. c. 80, s. 10; 1 Geo. V. c. 79, s. 16 (1), *part*.

11. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the municipal auditors at the expense of the municipal corporation in like manner as the accounts of a municipal corporation, and shall, after having been audited, be laid before the council by the board. 9 Edw. VII. c. 80, s. 11; 3-4 Geo. V. c. 51, s. 1.

Board to keep regular accounts.

12.—(1) The council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed one-half mill in the dollar unless, by a vote of two-thirds of all the members of

Special rate for library purposes.

the council, such rate is increased to an amount not exceeding in the whole three-fourths of a mill in the dollar.

In cities of
100,000.

(2) In a city having a population of 100,000 or over the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar, and such further rate as may be necessary to raise the money required to pay the annual interest and sinking fund on money borrowed for the purpose of acquiring a site or of purchasing or erecting buildings.

Rates for
public library
in police
village.

(3) The council of the township in which a police village in which a public library has been established, under the provisions of this Part, is situate, in addition to all other rates and assessments levied and assessed for municipal purposes in the police village, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board, not exceeding one-half mill in the dollar on the assessment of the police village.

By-laws for
incurring
debts for free
libraries.

(4) Where a board requires the council to raise money for the purpose of acquiring a site or purchasing or erecting buildings, which money, together with the amount required for the expense of maintaining and managing the libraries, reading-rooms, museums, classes and art schools under its control, would involve the levy in any one year of a rate greater than one-quarter of a mill in the dollar, in the case of a city having a population of 100,000 or over, or greater than one-half mill in the dollar in the case of any other municipality and of a police village, the council, by a two-thirds vote of all the members thereof, may refuse to raise such sum, and, if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on money by-laws, in the manner provided by *The Municipal Act*, and in the event of the assent of the electors being obtained it shall be the duty of the council to raise the amount in the manner provided by that Act.

When assent
of electors
required.

Rev. Stat.
c. 192.

Public library
debentures.

(5) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of acquiring a site or of purchasing and erecting the necessary buildings, and in the first instance, for obtaining books and other things required.

Interest and
sinking fund.

(6) During the currency of the debentures so issued the council shall withhold and retain, as a first charge on the annual rate, the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

(7) All money so levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the order of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

(8) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures if the annual sum required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon does not exceed one-half mill in the dollar.

(9) Notwithstanding anything contained in this Act a municipal corporation may issue debentures for the purposes of this Act, according to the provisions of *The Municipal Act*.

(10) Notwithstanding anything in this section the council of a city having a population of 100,000 or over may submit to the electors qualified to vote on money by-laws, a by-law for raising money for acquiring a site or for purchasing or erecting buildings, and if so submitted the council shall not be required to pass such by-law until it has been approved of by a majority of such electors voting thereon. 9 Edw. VII. c. 80, s. 12.

13. All libraries, reading-rooms and museums established under this Part shall be open to the public free of charge; provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library, reading-room or museum. 9 Edw. VII. c. 80, s. 13.

14. Any municipality or school section contiguous or near to a city, town, village or township in which a public library is situate may enter into an agreement with the board for the use of such library and for such representation on the board as may be deemed expedient. 9 Edw. VII. c. 80, s. 14.

15. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in the custody of the board, and on so doing shall be entitled to appoint one member of the board, and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. 9 Edw. VII. c. 80, s. 15.

16. Every farmers' institute or woman's institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or woman's institute shall be entitled to use the library on the same terms as residents

of the municipality in which the library is situate. 9 Edw. VII. c. 80, s. 16.

PART II.

LIBRARY ASSOCIATIONS.

- Establishment of association.** **17.**—(1) In a township, and in any other municipality in which a public library has not been established under Part I. any number of persons not less than ten, being British subjects and not less than 21 years of age, may form an association for the purpose of establishing a public library, reading rooms and evening classes by making a declaration, Form 3, and filing the same with an affidavit of the due execution thereof in the office of the Registrar of Deeds for the registration division in which the public library is to be situate.
- Fee on registering declaration.** (2) For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents.
- Transmission to Minister.** (3) A copy of such declaration shall be transmitted to the Minister.
- Incorporation.** (4) The persons whose names are subscribed to the declaration and all persons who become members of the association as provided by section 18, shall be a body corporate by the name of "The — Public Library Association," inserting the name of the municipality in which the library is to be established. 9 Edw. VII. c. 80, s. 17.
- Members.** **18.** Any person 12 years of age or upwards may be a member of the association, but no person shall be elected or vote at any meeting who is not of the full age of twenty-one years. 9 Edw. VII. c. 80, s. 18.
- Board of management.** **19.**—(1) The general management, regulation and control of the library shall be vested in and exercised by a Board of Management, which shall be composed of not less than five nor more than nine persons.
- First meeting for election of board.** (2) The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board.
- Term of office of members.** (3) The members so elected shall hold office until their successors are elected.
- Annual election thereafter.** (4) On the 2nd Monday in January in each year thereafter the members of the association shall meet and elect the members of the board for the year.
- Election of president and appointment of officers.** (5) The board shall, as soon after the election as is convenient elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other

officers as may be necessary for the purposes of the association. 9 Edw. VII. c. 80, s. 19.

20.—(1) The board shall provide suitable accommodation for the library, reading-rooms and evening classes, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, magazines, newspapers and other reading matter for the library and reading-rooms. Duty to provide accommodation.

(2) The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act, as may be necessary for promoting the usefulness of the public library and reading-rooms and the efficiency and discipline of the evening classes. Rules and regulations.

(3) Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. 9 Edw. VII. c. 80, s. 20. Minutes.

21. When a municipal council has passed a by-law for taking over the assets and property of a library association and for establishing the library as a public library under Part I., upon the organization of a board of management under that Part, the association shall be dissolved and thereafter Part I. of this Act shall apply to the library, and the assets and property of the association shall vest in the Public Library Board. 9 Edw. VII. c. 80, s. 21. Dissolution of association on taking over library under Part I.

PART III.

GENERAL PROVISIONS.

22. No public library established under Part II. which has not a membership of at least fifty persons over 21 years of age shall be entitled to share in any appropriation for public libraries. 9 Edw. VII. c. 80, s. 22. Conditions precedent to sharing in legislative grant.

23.—(1) Subject to the next preceding section and to the Regulations there shall be paid to the board of every public library established under this Act, out of any money appropriated for that purpose, not more than 50 per cent. of the expenditure made for books, magazines, periodicals, newspapers, bookbinding and materials used for cataloguing and classifying a public library under the Dewey Decimal or Cutter systems or a combination of such systems, but no grant shall be paid upon an expenditure upon books of fiction in excess of 45 per cent. of the amount expended upon other books, and no grant shall exceed in respect of books, book- Legislative grant to public libraries.

binding and materials for so cataloguing and classifying \$200 or in respect of magazines, periodicals and newspapers \$50.

Distribution.

(2) After the money payable under subsection 1 has been apportioned the Minister may authorize the payment out of the residue, if any, of the appropriation of the following sums, or a proportionate part of the same:

- (a) \$5 to a public library which has kept a reading-room open not less than three hours per day for three days in each week; or
- (b) \$10 to a public library which has kept a reading room open not less than three hours per day for six days in each week; and
- (c) \$5 to a public library whose total receipts are less than \$25 per annum; or
- (d) \$10 to a public library whose total receipts are over \$25 and less than \$100; or
- (e) \$15 to a public library whose total receipts are over \$100 and less than \$200; or
- (f) \$20 to a public library whose total receipts are over \$200 and less than \$500.

Expenses of instruction, etc.

3. The Minister may authorize to be paid out of any money appropriated for public libraries,

- (a) salaries and expenses of officers of the Department employed in giving special instructions to boards and to librarians, including the cost of books, blue prints, plans of library buildings, manuscripts, engravings and photographs and of other appliances or things authorized by the Minister, and

- (b) expenses incurred in holding meetings of library institutes.

How grant computed.

(4) In estimating the amount to which a public library is entitled only cash payments out of money received by way of grant or gift or as membership fees shall be included, and no public library shall be entitled to any grant under this section by reason of the expenditure of money borrowed by the board or by reason of payments made in promissory notes or in any other way than by cash only.

Training librarians.

(5) Subject to the regulations the Minister may apportion any money appropriated for holding schools for the training of librarians. 9 Edw. VII. c. 80, s. 23.

Travelling libraries.

24. Subject to the regulations the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose and may purchase books, bookcases and other appliances required therefor and may

pay for cataloguing, classifying and annotating lists of books, and may employ and pay assistants to aid in circulating the libraries and pay the travelling expenses of the assistants. 9 Edw. VII. c. 80, s. 24.

25—(1) Where a board makes a rule under which an age limit is established for children taking books from the library or a rule prohibiting the public, in the case of a free library, or the members of the association, in the case of any other library, from having free access to the books of the library or of a section of the library, the rule shall not take effect until it has been approved by the Minister. Rules as to access.

(2) If any such rule is in force at the time of the passing of this Act the board shall, within three months of the date of the receipt of a request from the Minister, forward to him a copy of such rule, and the Minister may disallow the same. Disallowance of rule.

(3) Failure to comply with the request of the Minister shall render such rule void. 9 Edw. VII. c. 80, s. 25. When rule void.

26—(1) Subject to the regulations the Minister may Library institutes.

(a) provide for the establishment of library institutes and for the holding of the meetings thereof;

(b) employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;

(c) pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute.

(2) If a board, after having received notice of the date for holding a meeting of the library institute, does not send a delegate to such meeting the Minister may withhold a sum not exceeding \$5 from the next government grant payable to the board.

(3) All expenses incurred in establishing and maintaining library institutes may be paid out of any money appropriated for that purpose or out of any money appropriated for public libraries. 9 Edw. VII. c. 80, s. 26.

27. The Judge of the County or District Court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injury or destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers Janitor may be appointed special constable.

and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. 9 Edw. VII. c. 80, s. 28.

Neglect to keep library open.

28.—(1) Where a board fails or neglects to keep open the library for two years, or to furnish an annual report, as required by the Regulations, for two consecutive years, such failure or neglect shall effect a dissolution of the corporation, and the Minister may take possession of all its books, magazines and periodicals and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association.

Failure to comply with regulations.

(2) Where a board in any year fails to comply with the Regulations the Minister may withhold the whole or any part of the government grant payable to the board for that year. 9 Edw. VII. c. 80, s. 29.

Seat vacated by interest in contract with corporation.

29.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of any ratepayer of the municipality or police village, or of the remaining member or members of the board, the Judge of the County or District Court or, if he is a member of the board, the Master in Chambers shall, on proof of the facts, declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. 9 Edw. VII. c. 80, s. 30.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

30. No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 9 Edw. VII. c. 80, s. 31.

Penalty for disturbing a public library.

31. Any person who wilfully interrupts or disquiets a public library, reading-room, or museum by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall

for each offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 80, s. 32; 1 Geo. V. c. 79, s. 16 (1), *part*.

32. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act* and shall be paid to the board concerned. 9 Edw. VII. c. 80, s. 33. Recovery of penalties.
Rev. Stat. c. 90.

33. Every public library heretofore established or continued under any Act respecting public libraries is continued and shall be subject to the provisions of this Act. 9 Edw. VII. c. 80, s. 34. Existing libraries, etc. continued.

SCHEDULE.

FORM 1.

(*Section 4.*)

PETITION.

To the municipal council of

We, the undersigned electors of the city of
(*or as the case may be*), respectively, pray that a public library may be established in this municipality under *The Public Libraries Act*. 9 Edw. VII. c. 80, Sched. Form 1.

FORM 2.

(*Section 4.*)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the city of (*or as the case may be*).

Whereas electors have petitioned the council of the city of
(*or as the case may be*), praying for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the municipal council that—

1. In case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries Act*.

2. The votes of the electors shall be taken on this by-law on the day of 19, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the undermentioned places: [*Here insert (1) the wards; (2) the polling sub-divisions; (3) the places for holding the poll and the names of the deputy returning officers.*]

3. On the day of next, at his office in the at o'clock in the noon, the mayor (*or reeve, or as the case may be*), shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes by the clerk, and

one person to attend at each polling place on behalf of the persons desirous of promoting, and a like number on behalf of the persons desirous of opposing the passing of this by-law.

4. The clerk shall attend at the _____ at the hour of _____ o'clock in the _____ noon, on the _____ day of _____ 19 _____, to sum up the number of votes given respectively for or against the by-law.

A. B.,
Mayor (or Reeve).
C. D.,
Clerk.

Passed the _____ day of _____ 19 _____.

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of _____ after one month from the _____ day of _____ 19 _____, being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the by-law. 9 Edw. VII. c. 80, Sched. Form 2.

FORM 3.

(Section 17.)

DECLARATION FOR ESTABLISHMENT OF A PUBLIC LIBRARY ASSOCIATION.

We, the subscribers hereto, hereby declare our intention to form an association for the purpose of establishing a public library at _____ in the township of _____ (or, as the case may be), and we further declare that the name of the association shall be the _____ Public Library Association, as provided by *The Public Libraries Act*.

Dated the _____ day of _____ 19 _____.
(Names and descriptions of the applicants.)

9 Edw. VII. c. 80, Sched. Form 3.

CHAPTER 283.

An Act for the Establishment of Mining Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mining Schools Act*. Short title.

2. In this Act “union municipality” shall mean a municipality composed of two or more townships. Interpretation
“Union
municipality.” R.S.O. 1897, c. 303, s. 1.

3.—(1) The council of any city, town, village, township or union municipality may by by-law provide for the establishment within such city, town, village, township or union municipality, or elsewhere, of a mining school, and may by the by-law provide for the levying of a special annual rate upon the whole of the rateable property thereof for any term not less than ten nor more than thirty years for the establishment or maintenance of such school or both, or for the leasing of buildings or land, or for the purchase of land and erection of buildings, or for the purchase and maintenance of machinery, furnaces and scientific apparatus, and all other things necessary for the treatment of any ore or other mineral in Ontario, and of all the appliances necessary for the treatment of such ores or minerals by reduction, smelting and other works as well as all appliances, works, methods and systems necessary for the separation, amalgamation, manufacture or other treatment of the metals thereby produced, and for the maintenance of the necessary teaching staff. By-laws for
establishment
of mining
schools.

(2) No such by-law shall be finally passed until it has first received the assent of a majority of the electors of the municipality in the manner provided by *The Municipal Act* with respect to money by-laws. Assent of
electors.
Rev. Stat.
c. 192. R.S.O. 1897, c. 303, s. 2.

4.—(1) In case a petition is presented from any township forming part of a union municipality to the council of such union municipality praying for the passing of a by-law for any or all of the purposes mentioned in the next preceding section such council shall submit a by-law for the assent of the electors of such township in accordance with the prayer of the petition. Establishment
of schools in
portions of
municipalities.

(2) Upon the assent of a majority of the electors of such township being obtained to the passing of the by-law, the Council to
pass by-law
on assent
of electors.

councils shall pass the same and levy and collect a special annual rate upon the whole of the rateable property within such township for any term of years not less than ten nor more than thirty years for any of the purposes in the next preceding section mentioned. R.S.O. 1897, c. 303, s. 3.

Aid to mining
schools from
municipalities.

5.—(1) Subject to the assent of the electors being first obtained as provided by section 3, the council of any city, town, village, township or union municipality may pass a by-law providing for the granting of aid by way of bonus to any such school now or hereafter established either in any township forming part of such municipality or elsewhere.

Issue of
debentures—
terms of.

(2) If debentures are issued for the bonus or for raising money to pay the same such debentures shall not be payable within any period less than ten years nor more than thirty years after the issue thereof. R.S.O. 1897, c. 303, s. 4.

Aid from
counties.

6. The council of any county may by by-law passed by the votes of two-thirds of the whole number of members thereof grant aid to the extent of \$10,000 to any mining school now or hereafter established for any or all of the purposes mentioned in section 3. R.S.O. 1897, c. 303, s. 5.

Schools to be
managed by
board of
trustees.

7. Every school so established or aided shall be under the management and control of a board of trustees who shall be elected annually, one by each of the cities, towns, villages, townships or union municipalities granting such aid, and the trustees shall be a body corporate under the name of "The Board of Trustees of the Mining School of _____," and all the school land, buildings and property belonging thereto shall be vested in such corporation, and when any county council makes a grant such council shall be entitled to appoint one of the trustees of the board. R.S.O. 1897, c. 303, s. 6.

Schools to be
subject to
regulations of
Education
Department.

8. Every school so established shall be conducted in accordance with the regulations of the Department of Education, and every teacher or instructor employed therein shall, before entering upon his duties, obtain a certificate or permit from the Minister of Education. R.S.O. 1897, c. 303, s. 7.

Number of
trustees.

9. If any such school is established or aided by one municipality only or one portion of a municipality, such municipality or the township granting such aid shall elect three trustees for the purposes mentioned in section 7; and where two municipalities or two townships forming a part thereof grant such aid, each of such municipalities or of such townships shall elect two trustees. R.S.O. 1897, c. 303, s. 8.

10.—(1) If at any time a school established under this Act is abandoned or if the trustees of any such school refuse or neglect to comply with a regulation of the Department of Education the Minister of Education may by an order in writing signed by himself authorize the council or councils granting aid to such school to cease to collect or levy the rates hereinafore provided for, and may direct the council to cease to pay over to the trustees of such school any sums in the hands of the council payable to the board.

Where school abandoned or departmental regulations violated.

(2) This section shall not affect in any way the levying of rates for the payment of debentures issued under the provisions of this Act. *R.S.O. 1897, c. 303, s. 9. Amended.*

Levying of rates not affected.

11. Except where inconsistent with this Act the provisions of *The Municipal Act* with regard to granting aid by any municipality or portion of a municipality to a railway shall apply to the by-law which may be passed under this Act. *R.S.O. 1897, c. 303, s. 10.*

Application of railway aid clauses of Municipal Act. Rev. Stat. c. 192.

12. The members of a board of trustees shall be elected in the manner provided for the election of municipal councillors within the municipality establishing such a school or granting such aid, and the trustees shall, in so far as the same are applicable with regard to the management and control of the Mining School, possess the same powers and be subject to the same provisions of law as public school trustees. *R.S.O. 1897, c. 303, s. 11.*

Election and powers of trustees.

13. Except where inconsistent therewith this Act shall be read and construed as if it formed part of *The Municipal Act* and shall apply to municipalities formed under section 24 of that Act. *R.S.O. 1897, c. 303, s. 12.*

Act incorporated with Municipal Act.

CHAPTER 284.

An Act respecting the Ontario College of Art.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The College of Art Act*. 2 Geo. V. c. 79, s. 1.

Interpretation. **2.** In this Act,

“College.” (a) “College” shall mean The Ontario College of Art;

“Council.” (b) “Council” shall mean the council of The Ontario College of Art, constituted as hereinafter provided. 2 Geo. V. c. 79, s. 2.

Establishment of college. **3.** There shall be established at the City of Toronto a College of Art to be known as The Ontario College of Art. 2 Geo. V. c. 79, s. 3.

Objects. **4.** The purposes of the College shall be

Training students in art. (a) The training of students in the fine arts, including drawing, painting, design, modelling and sculpture, and in all branches of the applied arts in the more artistic trades and manufactures; and,

And teachers. (b) The training of teachers in the fine and applied arts. 2 Geo. V. c. 79, s. 4.

Council. **5.** The control and management of the College shall continue to be vested in the Council which shall be a body corporate by the name of the Council of The Ontario College of Art. 2 Geo. V. c. 79, s. 5.

How composed. **6.** The Council shall consist of members to be appointed as follows:—

Certain bodies to appoint two members each. (a) The Art Museum, The Ontario Society of Artists and the Canadian Art Club, The Canadian Manufacturers' Association and the Trades and Labour Council of the City of Toronto shall each appoint two members;

Certain bodies to appoint one member each. (b) The Senate of the University of Toronto, The Municipal Council of the City of Toronto, The Canadian National Exhibition, The Graphic Arts

Society, The Toronto Society of Architects, The Ontario Association of Architects, the Applied Arts Society and the Toronto Camera Club shall each appoint one member; and

- (c) The persons so appointed shall appoint five ^{Five other members.} other persons, none of whom shall be a member of any of the corporations or associations mentioned in clauses (a) and (b), but who are considered by the appointing body specially interested in art education. 2 Geo. V. c. 79, s. 6.

7. The members of the Council shall hold office for two years ^{Term of office.} from the date of their appointment and until their successors are appointed. 2 Geo. V. c. 79, s. 7.

8.—(1) If a vacancy occurs among the members appointed ^{Vacancies in council among members appointed under s. 6, clauses a, b} as provided under clauses (a) and (b) of section 6 it shall be filled by the corporation or association appointing the member whose seat has become vacant.

(2) If a vacancy occurs among the members appointed under ^{Among members appointed by them.} clause (c) of section 6 it shall be filled by the Council from the class of persons mentioned in such clause.

(3) Any person appointed to fill a vacancy shall hold office ^{Term of office of member filling vacancy.} for the remainder of the term for which the member whose seat he is appointed to fill was appointed.

(4) If a member of the Council absents himself from three ^{Vacating seat for absence.} consecutive meetings without being authorized by resolution entered upon the minutes he shall *ipso facto* vacate his seat. 2 Geo. V. c. 79, s. 8.

9. If any of the corporations or associations whose representation is provided for in section 6 and in subsection 1 of section 8 does not avail itself of the provisions of those sections at its first meeting after notification by the Council, or if any such corporation or association ceases to exist, the members of the council then in office may elect other representatives of Art interests in their place and stead who are not members of the other corporations or associations whose representation is provided for in section 6. 2 Geo. V. c. 79, s. 9.

10. The Council shall meet at least four times in every year, ^{Meetings.} and one of such meetings, to be called the annual meeting, shall be held in the month of June upon such date as may be fixed by the by-laws of the Council. 2 Geo. V. c. 79, s. 14.

11. Five members of the Council shall form a quorum. ^{2 Quorum.} Geo. V. c. 79, s. 15.

Officers.

12. The Council shall elect at its annual meeting from among its members a Chairman, Vice-chairman and an Honorary Treasurer. 2 Geo. V. c. 79, s. 16.

Who to
preside.

13. The Chairman, or in his absence the Vice-chairman, shall preside at all meetings, and if neither the Chairman nor Vice-chairman is present the members present shall choose a chairman of the meeting from among themselves. 2 Geo. V. c. 79, s. 17.

Control of
college.

14. The Council shall have the control and government of the College and shall appoint a principal and a secretary and the teachers, instructors, lecturers, officers, clerks and servants, and shall fix their remuneration and determine their duties. 2 Geo. V. c. 79, s. 18.

Principal
to be chief
executive
officer.

15. The Principal of the College shall be the chief executive officer, and, subject to the regulations of the Council, shall control the organization and management of the College. 2 Geo. V. c. 79, s. 19.

Authorizing
corporations
or associations
to appoint
members to
council.

16. The Council by resolution, to be entered on the minutes, may authorize any corporation or association hereafter established in Ontario for Art purposes to appoint not more than two members of the Council to represent such corporation or association thereon, and the provisions of this Act as to members appointed under clauses (a) and (b) of section 6 and the filling of vacancies among such members shall thereafter apply to the member or members appointed by the corporation or association. 2 Geo. V. c. 79, s. 20.

Auditors.

17. At its first meeting and thereafter at its annual meeting the Council shall appoint for the ensuing year one or more auditors who shall be chartered accountants, and whose duties shall be to examine all books, accounts and vouchers of the Council and report on them at the next annual meeting. 2 Geo. V. c. 79, s. 21.

Diplomas and
certificates.

18. Subject to the by-laws of the Council determining the courses of study and examinations the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art," and the right to affix the letters A.O.C.A. after their names, and may also issue other certificates of proficiency as may be provided for by the by-laws. 2 Geo. V. c. 79, s. 22.

Arrangements
with Depart-
ment of
Education.

19. The Council may arrange with the Department of Education of Ontario for courses and examinations for teachers of art and supervisors or art instructors in the schools of Ontario. 2 Geo. V. c. 79, s. 23.

By-laws.

20. The Council may make by-laws providing for:—

Dates of
meetings.

(a) the dates at which meetings shall be held;

- (b) the conduct of meetings and the establishment of committees and the conduct of their business; Procedure.
- (c) prescribing the courses of study and examination and the fees payable by students; Courses of study, fees, etc.
- (d) regulations for the awarding of diplomas and other certificates of the College; Diplomas.
- (e) the establishment of scholarships and the exhibition of the work of the students, and generally to do all things necessary for carrying out the true object and intent of the College. 2 Geo. V. c. 79, s. 24. Scholarships and exhibitions of work.

21. The corporation of any municipality may make grants in aid of the College of such sums as the council of the municipality may deem expedient, and may make provision for the maintenance of pupils at the college who reside in or are the children of residents of the municipality. 2 Geo. V. c. 79, s. 25. Grants from municipalities.

22. The Council may purchase, acquire, take by gift, devise or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion may require. 2 Geo. V. c. 79, s. 26. Power to hold or dispose of property.

APPENDICES.

The following forms are inserted as a guide to Trustees, but not being part of the Public Schools Act, they do not possess the force of a statute :—

(Sections 53-54.)

1. FORM OF NOTICE FOR ANNUAL SCHOOL MEETING.

As required by the Public Schools Act, the undersigned Trustees of School Section No. —, in the Township of —, hereby give notice that the Annual School Meeting of the supporters of the Public School in the section will be held at — on Wednesday, the — day of December, 19—, at the hour of ten o'clock in the forenoon (or seven o'clock in the afternoon), for the transaction of the business prescribed by the fifty-third and fifty-fourth sections of said Public Schools Act.

A. B.	} Trustees.
C. D.	
E. F.	

Dated this — day of —, 19—.

Note.—If the last Wednesday of December be a holiday, the Trustees should insert Thursday in the foregoing notice.

(Section 53, Clause 5.)

2. FORM OF NOTICE FOR ANNUAL SCHOOL MEETING, WHEN NOTICE FAILED.

The Annual School Meeting for School Section No.—, in the Township of —, not having been held for want of proper notice thereof, the undersigned [*Inspector, or two ratepayers, as the case may be*] as authorized by subsection five of the fifty-third section of the Public Schools Act, hereby gives [*or give*] notice that the Annual School Meeting of the supporters of the Public School in the section will be held at — on the — day of —, 19—, at the hour of ten o'clock in the forenoon, for the transaction of the business prescribed by the fifty-third and fifty-fourth sections, inclusive, of said Public Schools Act.

A. B.	Pub. Sch. Inspector,	} Ratepayers of the section.
	or	
C. D.		
E. F.		

Dated this — day of —, 19—.

(Section 78, Clause d.)

3. FORM OF PETITION TO TRUSTEES TO CALL A SPECIAL SCHOOL MEETING.

To the Trustees of Public School Section No.—, in the Township of ———.

The Petition of the undersigned ten ratepayers of the school section aforesaid, respectfully sheweth:

That they think it desirable that the trustees, on receipt of this petition, should call a meeting of ratepayers of the section, for the consideration and disposal of the following business:

—[*Here name the business in full.*]

Dated this ——— day of ———, 19—.

Note.—This Petition should be signed by at least ten ratepayers of the section concerned, and sent direct to the senior Trustee, or to the Secretary of the school corporation.—(See section 78, clause d.)

(Section 78, Clause d.)

4. FORM OF NOTICE OF SPECIAL SCHOOL MEETING.

The undersigned Trustees of School Section No.—, in the Township of ———, [*or the Public School Inspector, as the case may be*], as authorized by the Public Schools Act, hereby give [*or gives*] notice that Special School Meeting of the Supporters of the Public School in said School Section will be held at ———, on ———, the ——— day of ———, 19—, at the hour of ——— in the ——— for the transaction of the following special business. viz.—[*Here state it in full*].

A. B. }
C. D. } *Trustees.*
E. F. }

(*or G. H., Public School Inspector.*)

Dated this ——— day of ———, 19—.

Note.—No business but that mentioned in this notice can be lawfully transacted at the special meeting thus called.

A copy of the notice issued should be retained on file by the secretary.

(Section 53, Clause 2.)

5. FORM OF NOTICE TO THE RATEPAYERS BY TOWNSHIP CLERK CALLING A FIRST SCHOOL SECTION MEETING.

Township Clerk's Office,
 _____, 19—.

The Municipal Council of this Township has formed a School Section to be known as No. ——. This new School Section comprises as follows, viz. [*Here insert formation in full detail.*]

The ratepayers of the aforesaid newly formed School Section are hereby notified that a meeting of the legally qualified School Voters of Section —, will be held at — on — the — day of —, at the hour of ten of the clock in the forenoon, for the purpose of electing Trustees of the Section and for the transaction of other necessary business, as authorized by Sections fifty-three and fifty-four of the Public Schools Act.

A. B.,
Township Clerk.

Dated this — day of —, 19—.

(Section 32, Clause 6.)

6. FORM, BY ANY TWO PETITIONERS, OF NOTICE OF A FIRST SCHOOL MEETING IN AN UNORGANIZED TOWNSHIP.

The undersigned heads of families of a School Section, set apart by the *Public School Inspector* and known as 'School Section——in the Township of——, comprising as follows. [*Here insert formation in full detail*], as authorized by law, hereby give notice to the ratepayers of the Section, that a Public School meeting will be held at —, on the — day of —, at the hour of ten of the clock in the forenoon, for the election of Trustees, and for the transaction of other necessary business as authorized by the fifty-third and fifty-fourth Sections inclusive of the Public Schools Act.

A. B.
 C. D. *Heads of families of the School Section.*

Dated at — this — day of —, 19—.

(Section 54, Clause 10.)

7. FORM OF NOTICE TO PERSON ELECTED AS SCHOOL TRUSTEE.

_____, 19—.

SIR,—At a meeting of the ratepayers of School Section No. —, in the Township of —, held on the — day of —, 19—, you were duly elected as a Trustee for the aforesaid School Section.

Please acknowledge the receipt of this information, addressing the chairman of said meeting —. [*Here insert name and P.O. address.*]

A. B.,

Secretary of the School Meeting.

To C. D.,

Note.—Should no reply be received by the Secretary of the School meeting within twenty days, the party concerned will be held to have accepted the office of School Trustee. [See Section 54 (10)].

(Section 54, Clause 9.)

8. TRANSMISSION OF COPY OF SCHOOL MEETING MINUTES TO THE COUNTY INSPECTOR,

_____, 19—.

SIR,—I send herewith the following correct copy of the minutes of proceedings and poll book of the annual [*or special*] meeting of the ratepayers of School Section No. —, in the Township of —, held on the — day of —, 19—.

A. B.

Chairman of School Meeting.

To C. D.,

Public School Inspector.

[*Here insert the Minutes in full, and also a transcript of the Poll Book, where such has been required, both signed by the Chairman and the Secretary of the said school meeting.*]

(Section 78, Clause C.)

9. FORM OF NOTICE TO INSPECTOR AND TOWNSHIP CLERK.

_____, 19—.

SIR.—The following are the names and post office addresses of the Trustees of School Section No. —, in the Township of —, now in office:—

Post Office Address.

A. B.	_____.
C. D.	_____.
E. F.	_____.

The name [*or names*] of the Teacher [*or Teachers*] employed by the Board of Trustees is [*or are*] as follows:—

G. H.
I. K., etc.

L. M.,
Secretary-Treasurer of the School Board.

To N. O.,
Public School Inspector.

To P. Q.,
Township Clerk.

Note.—This notice should be given before the 15th of January in each year and also notice of changes immediately after they occur at any time during the year.

(Section 66, Clauses 1 and 3.)

10 (a) FORM OF RESIGNATION OF TRUSTEE.

_____, 19—.

SIR,—I hereby tender my resignation as member of the Public School Board of _____. [*Insert name of section, city, town or village.*]

A. B.,
Trustee.

To C. D.,
Trustee or Secretary-Treasurer.

Dated this _____ day of _____, 19—.

Note.—A rural Trustee gives notice in writing to each of the remaining Trustees; a member of an urban Board, to the Secretary.

(Section 66.)

10 (b) FORM OF ACKNOWLEDGMENT OF RECEIPT OF RESIGNATION.

SIR,—We the undersigned remaining Trustees of School Section No. —, Township of _____, hereby acknowledge the receipt of the resignation of our colleague, A. B., as Trustee of above section under terms of the sixty-sixth section of the Public Schools Act, such resignation to take effect on the election of his successor at a meeting of the ratepayers called by us to take place on the _____ day of _____, 19—.

To E. F.
Retiring Trustee.

A. B., } *Remaining Trustees.*
C. D., }

Dated this _____ day of _____, 19—.

Note.—This document is to be given to the retiring Trustee for presentation by him to the Chairman of the School Meeting called as above.

(Section 80, Clause 3.)

11. FORM OF REQUEST TO AN INSPECTOR BY ANY TWO RATEPAYERS TO APPOINT A SCHOOL SECTION AUDITOR.

_____, 19—.

SIR,—The Trustees [*or the School Meeting, as the case may be,*] having neglected to appoint a School Auditor [*or the Auditor appointed having refused to act*] the undersigned Ratepayers of School Section No. _____, in the Township of _____, hereby request that you would appoint a School Auditor for the Section, as authorized by the seventy-eighth section of the Public Schools Act.

We are, Sir, your obedient servants,

A. B.

C. D.

Ratepayers of the Section.

To E. F.,
Public School Inspector.

(Section 82.)

12. SCHOOL AUDITOR'S FORM OF NOTICE TO PERSON INTERESTED IN THE SCHOOL ACCOUNTS OF A SECTION.

_____, 19—.

SIR,—As authorized by the eighty-second section of the Public Schools Act, the undersigned Auditor of the Accounts of School Section No. _____, in the Township of _____, hereby requires your attendance at the audit of these accounts, to be held at _____, on _____ the _____ day of _____ at the hour of _____ o'clock, in the _____. You are also hereby required by said Schools Act (under penalty for refusal or neglect) to bring with you any books, papers or writings connected with such accounts, and to lay them before the Auditor or Auditors of the Section. I am, Sir,

Your obedient servant,

A. B., *Auditor of School Section.*

To C. D., *Trustee.*

E. F., *Secretary-Treasurer.*

G. H. *Other person [as the case may be].*

(Section 73, Clause o.)

13. FORM OF REQUISITION ON THE MUNICIPAL COUNCIL FOR SCHOOL MONEYS.

In terms of the seventy-third section of the Public Schools Act, the Board of Public School Trustees for School Section No. _____ of the township [*or the Public School Board, or Board of Education, of the city, town*

or incorporated village] hereby applies to the Municipal Council of the township, [*city, town or incorporated village, as the case may be*] for the sums of money set forth in the accompanying estimate for the support and maintenance of the Public School [*or schools*] in the aforesaid section [*city, town or incorporated village*] for the year ending on the 31st December, 19—.

[*Here follows the estimate.*]

The school corporation as aforesaid hereby respectfully requests that the Municipal Council of the township [*city, town, etc.*] shall, as required by section forty-seven of the Public Schools Act, provide by assessment the foregoing amount of _____ dollars for the current expenses of the school [*or schools*] under charge of the Board, as per estimate herewith.

A. B., *Chairman,* } *Corporate*
C. D., *Secretary.* } *Seal.*

To the Clerk of the Municipal Council of the — of —.

Note 1.—This requisition, in the case of Rural School Trustees, must be sent to the Clerk of the Council concerned not later than the end of July, and in time for the August meeting. (See clause *n* of the 72nd section of the Act.)

In case moneys are required for the erection of school houses, purchase of site, etc., the words "provide by assessment" in the foregoing requisition should be altered to "provide by debentures for the purchase of a school site" (or the "erection of a school building," as the case may be). (See sections 43-46.)

Note 2.—The above estimate should not include Township Grant available under the Act from general levy, P.S. Act, sec. 93.

(*Section 73, Clause m.*)

14 (a) FORM OF NOTICE OF EXEMPTION TO TOWNSHIP CLERK.

SIR,—As authorized by the seventy-third section of the Public Schools Act the undersigned Trustees of School Section No. —, in the township of —, at a meeting held on the — day of —, exempted as "indigent" the following persons resident in the School Section. from the payment of all school rates, [*or above — mills on the dollar, as the case may be,*] in support of the school.

[*Here insert list of indigent or other exempted persons.*]

A. B., } *Trustees*
C. D., } *of the*
E. F., } *Section.*

To G. H., Township Clerk, ———, Post Office.

Note.—This intimation must be given by the School Trustees to the Township clerk "on or before the first of August" in any year, as required by clause *m* of the 73rd section of the Act.

(Section 32, Clause 5, and Section 73, Clause m.)

14 (b) FORM OF NOTICE OF EXEMPTION TO COURTS OF REVISION AND COLLECTORS IN UNORGANIZED TOWNSHIPS.

To exemption of "indigents" under Form 14 (a) above the following may be added:—

Also, under Clause five of section thirty-two of the Public Schools Act, the following are exempted from all rates—[Here insert the names of those whose residences are more than three miles from school.]

To E. F.,

Chairman Court of Revision.

G. H.,

Collector.

A. B.,	} Trustees
C. D.,	
E. F.,	

Note.—In giving notice under the 32nd section above, Boards should see that the conditions fully warrant exemption.

(Section 73, Clause p.)

15. FORM OF PROMISSORY NOTE OF RURAL SCHOOL TRUSTEES FOR TEACHERS' SALARIES.

_____, 19—.

_____ days [or months] after date, the Board of Public School Trustees for School Section _____, of the Township of _____, in the County of _____, promises to pay to _____ the sum of _____ dollars, advanced to it by the said _____ for the payment of Teachers' Salaries, and hereby agrees to allow at the rate of _____ per cent. per annum for such advance.

School Trustees {	A. B.,	[L. S.]
	C. D.,	
	E. F.,	

\$_____.

Note.—Not more than six per cent. per annum can be lawfully paid by Trustees for loans of this nature. The form of note may be varied so that the amount of interest or discount can be included in the face value of the note. The seal of the section should in all cases be affixed to the note in the place indicated above.

(Section 15, Clause b, and 32, Clauses 3 and 4.)

16 (a) FORM OF PETITION TO TOWNSHIP COUNCIL OR INSPECTOR TO ALTER,
DIVIDE, ETC., A PUBLIC SCHOOL SECTION.

The undersigned Trustees [*or five ratepayers or head of family or five heads of families*] of School Section No. —, in the Township of —, hereby request [*or requests*] that the following change be made in said section, that is to say:—[*Here insert change in boundaries, transfer of lots, etc., required.*]

To G. H.,

Clerk of the Council, Township of ———,

or I. J.,

Inspector.

A. B., } *Trustees.*
C. D., } *or Peitioners.*
E. F., }

(Section 15, Clause b.)

16 (b) FORM OF NOTICE BY TOWNSHIP COUNCIL OF ITS INTENTION TO
ALTER THE BOUNDARIES OF A PUBLIC SCHOOL SECTION, ETC.

Township Clerk's Office, ———, 19—.

The Municipal Council of the township of ———, hereby gives public notice to the ratepayers and other parties concerned of School Section [*or School Sections*] No. —, [*or Nos.*] in this township, that it is the intention of the Council to alter the boundaries [*divide, alter or unite such section or sections, as the case may be,*] of that section at a meeting of the Council to be held on the ——— day of ———, 19—.

A. B., *Township Clerk.*

Note.—This intimation may be posted in the School Section or School Sections concerned, or published in a local newspaper; or it may be sent to the School Trustees of the sections to be affected by the proposed change. The fifteenth section, clause b, of the Public Schools Act authorizes the Council to give the notice "in such manner as the Council may deem expedient."

(Section 17, Clause 1, and 22, Clause 1.)

17. FORM OF APPEAL TO A COUNTY COUNCIL IN REGARD TO SCHOOL SECTION BOUNDARIES, UNION OR OTHERWISE.

The undersigned trustees [*or five ratepayers or Public School Inspector*] of [*Union*] School Section No. —, in the Township of —, as authorized by the seventeenth [*or twenty-second*] section of the Public Schools Act, hereby appeal to the Municipal Council of the County of —, against the action [*or refusal to act—as in the case of ordinary school sections—on application being duly made to it, on the part*] of the Council of the Township of — in regard to the boundaries of our School Section.

Dated at —, this — day of — 19—.

A. B., } Trustees of
C. D., } (*Union*) Sch. Sec.
E. F., } No. —.

[*Or signed by five ratepayers of the Section, or by the Public School Inspector, in case of Union Sections.*]

To the Clerk of the Municipal Council,
County of —.

(Section 17, Clauses 4 and 22.)

18. FORM OF NOTICE OF THE DECISION OF THE ARBITRATORS IN REGARD TO AN APPEAL TO A COUNTY COUNCIL.

The undersigned Public School Inspector, one of the Arbitrators appointed by the Municipal Council of the County of — to consider and decide upon an appeal to the Council in regard to the boundaries of School Section No. —, in the Township of —, hereby gives notice to the trustees of the Section [*or other Section, and to the Clerk of the Township concerned*] that the Arbitrators have agreed to the following award in the case:—

[*Insert it in full.*]

A. B.,
Public School Inspector,
Arbitrator.

To the Trustees of School Section No.—
and
To the Clerk of the Township of —.

Note.—This form may be altered so as to meet the case of Union School Section Appeals provided for in section 22.

(Section 21, Clauses 3 and 5.)

19. FORM OF PETITION TO TOWNSHIP COUNCIL IN REGARD TO UNION SCHOOL SECTIONS.

The petition to the Council of the Township of _____ of [five] rate-payers of said Township respectfully sheweth: That they are desirous that a Union School Section should be formed out of parts of the Townships of _____ [*or they are desirous that the boundaries of Union School Section No. —, in the Townships of —, should be altered (or dissolved) as the case may be.*]

Your petitioners, therefore, pray that the request which they have herein made may be granted, so far as the Council of your Township is concerned, in terms of the twenty-first section of the Public Schools Act.

A. B.,
C. D.,
E. F., etc. } *Petitioners.*

To the Clerk of the Council,
Township of _____.

Note.—An original copy of the foregoing petition must be sent to the Clerk of each of the Townships concerned not later than August or September of any year, so that the respective by-laws required can be passed not later than the 25th December, as required by law. (Section 21, clauses 3 and 5.)

(Section 21, Clause 8.)

20. FORM OF INSPECTOR'S NOTICE TO TOWNSHIP CLERKS.

PUBLIC SCHOOL INSPECTOR'S OFFICE.

_____, 19—.

SIR,—I hereby notify you that a meeting of the Arbitrators appointed to form [*alter or dissolve*] a Union School Section [*or the Union School Section No.—, in the Township of —,*] as requested by the rate-payers concerned, will be held at _____, on the _____ day of _____, 19—, at the hour of — o'clock in the forenoon.

I am, Sir,

Your obedient servant,

A. B.,
Public School Inspector.

To C. D., Clerk of the Township of _____.

Note.—A similar notice is to be sent to the Clerks of each of the Townships concerned. (See section 21, clause 8.)

(Section 29, Clause 5.)

21. FORM OF NOTICE OF EQUALIZED ASSESSMENT OF UNION SCHOOL SECTIONS BY THE TOWNSHIP ASSESSORS.

The undersigned Assessors of the Township of ———, as authorized and required by the twenty-ninth Section of the Public Schools Act, hereby give notice to the Clerks of the above said Townships that they have met and determined the proportion of the annual requisition for school purposes of the Public School Trustees of Union Section No. —, of the said Townships, which shall be levied upon and collected from the taxable property of the respective Municipalities out of which the Union School Section is formed. This proportion of assessment so fixed and determined by us shall remain in force from the date of this notice until changed as provided by Section 29 of the Act.

Dated at ———, this ——— day of ———, 19—.

A. B., } Assessors as
C. D., etc. } aforesaid.

To the Clerk of the Township of ———.

Note.—An original copy of this notice, signed by the agreeing Assessors, should be sent forthwith to the Clerk of each of the Township Councils concerned, and to the Secretary of the Board of Trustees.

(Section 34, Clause 5.)

22. FORM OF NOTICE TO RATEPAYERS IN UNORGANIZED TOWNSHIPS IN REGARD TO REVISION OF ASSESSMENT.

Notice is hereby given that the Assessment Roll of School Section No. —, in the Township of ———, will be open to inspection of ratepayers at ——— for three weeks from date of this notice.

Appeals shall be made in writing to the Secretary of the Board within one month from the time notice of assessment was delivered, mailed or posted by assessor.

The Court of Revision will meet for hearing and determination of said appeals at ———, on the ——— day of ———, at the hour of ———.

A. B.,

Secretary Public School Board.

Dated at ———, this ——— day of ———, 19—.

Note.—Boards should see that procedure as authorized in Section 34 of the Public Schools Act is fully complied with prior to meeting of Court of Revision.

*(Section 61, Clause 1.)*23. FORM OF NOTICE REQUESTING THAT SCHOOL ELECTION SHALL BE HELD
ON SAME DAY AS MUNICIPAL ELECTION.

_____, 19—.

SIR,—The Board of Public School Trustees [*or Board of Education*] for the City, [*Town, Incorporated Village or Township*] of _____, hereby notifies the Municipal Council of the City, [*Town, etc.*], that the said Board has passed a resolution requesting that the next election of Trustees to such Board shall take place on the same day as that on which the election of Municipal Councillors takes place.

A. B.,

*Secretary of the Board.*To the Clerk of the Council, Township [*City, etc.*] of _____.

Note.—This notice must be sent to the Municipal Clerk on or before the first of October in any year. (See section 61, clause 1.)

*(Section 61, Clauses 1 and 2.)*24. FORM OF NOTICE OF THE DISCONTINUANCE OF SCHOOL ELECTION
BY BALLOT.

_____, 19—.

SIR,—The Board of Public School Trustees for the City, [*Town or Incorporated Village*] of _____ hereby notifies the Municipal Council of the City [*Town, etc.*] of _____ that the said Board has decided to discontinue the use of the ballot at the election of the Public School Trustees for this City, [*Town, etc.*]

A. B.,

*Secretary of the Public School Board.*To the Clerk of the Municipal Council of the City, [*Town, etc.*] of _____.

Note.—This notice should be sent to the Clerk of the Council concerned on or before the first day of October. (See section 61, clauses 1 and 2, of the Public Schools Act.)

(Section 60, Clause i.)

25. NOTICE TO THE CANDIDATES FOR ELECTION AS SCHOOL TRUSTEES IN CITIES, ETC.

_____, 19—.

SIR,—I hereby notify you that at the election of Public School Trustees for this City [*Town, etc.*,] the number of votes polled for the respective candidates for election was as follows:

	Votes.
A. B	_____
C. D.	_____
E. F., etc.	_____

G. H.,

Secretary-Treasurer of the School Board.

To A. B., Candidate, etc. _____.

Note.—The Secretary-Treasurer is required to add up the votes polled for each Candidate and to notify him accordingly, as above.

(Section 87.)

26. FORM OF AGREEMENT FOR ENGAGEMENT OF A PUBLIC SCHOOL TEACHER.

MEMORANDUM OF AGREEMENT made this _____ day of _____, 19—, between the Public School Trustees of Section No.—, in the Township of _____ [*or the Public School Board of the City, Town or Village of*] _____ and _____ of _____, the holder of a _____ class certificate of qualification as a Public School Teacher in Ontario, as follows:—

1. The Board of Public School Trustees hereby employs for its said school such Teacher, at the yearly salary of _____ dollars, for the term of one year, beginning on the _____ day of _____ one thousand nine hundred and _____, and ending on the _____ day of _____, one thousand nine hundred and _____, and further agrees that it and its successors in office will pay such salary to the said Teacher at least quarterly, and will exercise all powers and perform all duties under the Public Schools Act and Regulations of the Department of Education, which may be requisite for making such payment.

2. The Teacher agrees with the said Board of Public School Trustees, to teach and conduct the said school during the said term, according to the said Law and Regulations in that behalf.

3. The foregoing is subject to the following conditions: (1) That the Teacher shall continue to be the holder of a legal certificate of qualification as a Public School Teacher in Ontario. (2) That holidays and vaca-

tions prescribed by the Law and Regulations are excepted from the said term. (3) That the days on which the teacher has attended the meetings of Teachers' Associations or Institutes, as certified by the Inspector or Chairman thereof, shall be allowed him as if he had actually taught in the said school; and (4) That in case of sickness, as certified by a registered medical practitioner, he shall be entitled to receive his salary without deduction, for such period as may be authorized under the Statute in that behalf.

4. The Trustees or School Board and the Teacher may, at their option, respectively terminate this engagement by giving notice in writing to the other of them at least ———— calendar months previously, and so as to terminate on the last day of a calendar month.

5. This agreement shall also be construed to continue in force from year to year, unless and until it is terminated by the notice hereinbefore prescribed.

As witness the Corporate Seal of the said Trustees or School Board and the hand and seal of the Teacher, on the day and year first above-mentioned.

..... } Trustees.
 } [Corporate
 } Seal.]

.....
 Teacher. [Seal.]

In presence of
 [In Duplicate.] One copy to be retained by the Trustees and the other
 by the Teacher.

(Section 88, Clause 6.)

27. FORM OF TRUSTEES' REQUEST TO INSPECTOR TO SUSPEND THE CERTIFICATE OF A TEACHER.

———, 19——.

SIR,—The Trustees of School Section, No. —, in the Township of
 ——— (or the Public School Board of the City, Town or Village of
 ———), hereby inform the Public School Inspector that ———,
 a teacher holding a certificate of qualification valid in this County, has
 wilfully neglected [*or refused*] to carry out an agreement entered into
 with us as Trustees. We therefore, request you to suspend the certificate
 of such teacher in terms of the eighty-sixth section of the Public Schools
 Act.

A. B., } Trustees or
 C. D., } Secretary and
 E. F., } Chairman of
 } the Board.

To the Public School Inspector.

(Section 88, Clause 6.)

28. FORM OF NOTICE TO TRUSTEES AND TEACHER OF THE SUSPENSION OF
TEACHER'S CERTIFICATE.

PUBLIC SCHOOL INSPECTOR'S OFFICE,

_____, 19—.

SIR.—By virtue of the authority vested in me by the eighty-sixth section of the Public Schools Act, I hereby notify you that I have suspended your certificate of qualification [*or the certificate of qualification of* _____] as a Public School Teacher in School Section, No.—, in the township of _____ (or in the City, Town or Village of _____), and within my jurisdiction. My reasons for doing so are as follows, viz.:—
[*Insert them.*]

A. B.,
Public School Inspector.

To C. D., Public School Teacher, and to the
Trustees of School Section, No. — (or the Secretary of the Board).

(Section 10, School Sites Act.)

29. FORM OF NOTICE BY ARBITRATORS TO PARTIES INTERESTED IN A
SCHOOL SITE.

The undersigned Arbitrators appointed to appraise the damages and determine the claims of all parties concerned in regard to the Public School Site selected for Section No. —, in the township of _____, known as part of lot No. — in the said township, hereby give notice to all such parties that they will meet to hear and determine the claims on such part lot at _____ on _____ the day of _____, 19—. You are hereby notified to attend such meeting or submit your claim in writing to the Arbitrators on the day named.

Dated at _____, this _____ day of _____, 19—.

[Seal]

A. B., { Arbitrators for proposed
C. D., { School Site
E. F., { No. _____ Tp. of _____,

To G. H., owner.

I. J., lessee.

K. L., tenant.

M. N., (other party concerned).

THE TRUANCY ACT.

(Section 8.)

30. FORM OF NOTICE TO PARENT OR GUARDIAN OF NEGLECT TO EDUCATE CHILD OR CHILDREN.

_____, 19—.

SIR,—At the request of the Board of Public School Trustees for _____
[or the School Inspector, or Mr. _____, a ratepayer], I hereby
inform you that _____, your child [or children, or _____]
_____, under your care, or guardianship] has [or have] not
attended any school, or has [or have] not otherwise been under efficient
elementary instruction, as required by the third and following sections
of the Truancy Act.

Before bringing this neglect on your part before the magistrate having
jurisdiction in such cases, you are hereby notified that it is your duty to
have the child [or children] named to attend some school, or send such
explanation of the alleged neglect as you may deem necessary and proper.

I am, Sir,

Your obedient servant,

A. B.,

Truant Officer.

To C. D.,

Parent [or Guardian] of

Note.—This notice may be given by personal delivery, by leaving the same
at the residence of the party concerned, or by a letter by post, prepaid.

(Section 11.)

31. FORM OF NOTICE OF TRUANT CHILDREN.

_____, 19—.

SIR,—As required by section eleven of the Act respecting Truancy.
I, the teacher of _____ School, hereby notify you that the
following pupils enrolled on the register of this school, have not attended
the school as required by the aforesaid Act, viz:—

	Age.	Residence.
A. B.	_____	_____
C. D., etc.	_____	_____

I also desire to inform you [Here give such information as the
Truant Officer may require.]

E. F.,

Teacher of the School.

To G. H.

Truant Officer.

(Section 36, Clauses 1 and 2 P.S.A.)

32. FORM DEBENTURE.

CANADA.

\$.....

No.

.....

District of Province of Ontario.

Know All Men by These Presents, that the Public School Board of Section No..... of the Township of in the District of hereby promises to pay to the bearer the sum of Dollars of lawful money of Canada, at the office of the Treasurer of the said Public School Board in (Post Office address) on the day of upon presentation thereof at the said Office of the said Treasurer.

This Debenture shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Public School Board, be transferable except by entry, by the Treasurer, in the Debenture Registry Book of the said Public School Board at the (School House or Residence.)

Dated at this day of one thousand nine hundred and

In Testimony Whereof, and under and by virtue of By-Law No. of the Corporation of the said Public School Board for this purpose duly passed, the Treasurer of the said Public School Board hath caused the Seal of the said Public School Board to be hereto affixed the day and year above written.

Trustees {
.....
.....

Secretary-Treasurer.

(SEAL.)

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(4 George V. 1914, chap. 49.)

Assented to May 1, 1914.

An Act respecting Auxiliary Classes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Auxiliary Classes Act*. Short title.

2. In this Act,

(a) "Regulations" shall mean regulations made by the Minister of Education under the authority of this Act and *The Department of Education Act*. Interpretation.
"Regulations."

(b) "Board" shall mean and include a board of education, board of public school trustees, and board of separate school trustees in a city. "Board."

3. A board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the ordinary public or separate school courses. Classes
which may
be established.

4.—(1) For the purposes of section 3 the board may, subject to the approval of the Minister of Education, Powers of
board.

(a) Acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;

(b) Establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;

(c) Appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper;

- (d) Provide in connection with the classes in the same or a separate building a suitable residence and home for the pupils or such of them as in the judgment of the board, subject to the approval of the Inspector of Auxiliary Classes, can be more suitably provided for in such residence and engage such officers and servants as may be deemed proper for the oversight and care of the pupils in the residence.

Acquiring
site, etc.,
in adjoining
municipality.

(2) With the approval of the Minister a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the city for which the board is constituted.

Duty of board
as to religious
instruction
and worship.

5. It shall be the duty of a board where a residence is established to provide for the due instruction of the pupils in religion by the clergymen or ministers of the respective churches or religious denominations to which they belong, and for their attendance at religious worship.

Pupils to be
wards of the
board.

6. Where a board establishes a residence under this Act, every pupil admitted thereto shall be a ward of the board and shall be subject to the control and custody of the board during school age and for such further period, but not after reaching the age of twenty-one years, as the board, subject to the approval of the Inspector of Auxiliary Classes, may deem advisable.

Admission.

7.—(1) Subject to the regulations pupils shall be admitted to auxiliary classes upon the report of a board consisting of the principal of the school, the school medical inspector and another school inspector or the chief or senior school inspector as the case may be, of which board the principal shall be the chairman approved by the Inspector of Auxiliary Classes.

Admission
from other
municipalities.

(2) Pupils may be admitted to Auxiliary Classes from other municipalities upon such terms as may be permitted or prescribed by the regulations.

Fees.

(3) Such fees for instruction and for board and lodging shall be payable by the parents or guardians of the pupils, as may be fixed by the Board, with the approval of the Minister of Education.

Supervision
of health, etc.,
of pupils.

8. Where a board has established auxiliary classes under this Act, it shall be its duty to provide for the proper supervision of the health and treatment of every pupil attending the classes and for proper medical treatment of every pupil who appears to the principal or inspector to require the same.

9. The board may direct the school medical inspector or such other officer as the board may appoint, to visit pupils in their homes and to consult and advise with their parents as to their treatment and the conditions which will best enable the pupils to attain the greatest possible degree of intelligence and education.

10. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 11.

11. The moneys required by the board for the carrying out of the objects of this Act shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the public or separate schools under the control of the board.

12.—(1) The Minister of Education may from time to time make regulations subject to the approval of the Lieutenant-Governor in Council for the administration and enforcement of this Act and for the establishment, organization, government, examination and inspection of auxiliary classes, the admission and dismissal of pupils, the duration of their term of residence, and for prescribing the accommodation and equipment of school houses, residences and buildings and the arrangement of school premises for auxiliary classes.

(2) The regulations may provide for the appointment of a duly qualified medical practitioner who may be an officer of any department of the government to be Inspector of Auxiliary Classes and may define the duties and powers of the Inspector.

13. Subject to the regulations the Minister shall annually apportion among auxiliary classes all sums of money appropriated as a special grant therefor.

14. *The Special Classes Act*, being chapter 272 of the Revised Statutes of Ontario, 1914, is repealed.

Re. Rev. Stat.
c. 272,
repealed.

(4 George V. 1914, Chap. 21.)

Assented to May 1, 1914.

The Statute Law Amendment Act, 1914.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly, enacts as follows:—

Rev. Stat.
c. 266,
s. 15, subs. 4,
amended.

55. Subsection 4 of section 15 of *The Public Schools Act* is amended by adding after the word "where" in the first line the words "in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required or where."

Rev. Stat.
c. 266, s. 21,
subs. 20,
cl. (a),
amended.

56. Clause (a) of subsection 20 of section 21 of *The Public Schools Act* is amended by inserting after the word "locality" in the second and third lines the words "or more than one unorganized township or locality."

Rev. Stat.
c. 266,
s. 36, subs. 3
amended.

57. Subsection 3 of section 36 of *The Public Schools Act* is amended by adding at the end thereof the words "or by an urban municipal council in a district under the authority of section 43."

Rev. Stat.
c. 267, s. 12,
and former
Acts not to
apply to
West Nissouri
school.

58.—(1) It is declared that section 12 of *The Continuation Schools Act*, being chapter 72 of the Acts passed in the Session held in the third and fourth years of His Majesty's Reign, and section 12 of *The Continuation Schools Act*, being chapter 267 of the *Revised Statutes of Ontario*, 1914, did not and shall not apply to the Continuation School heretofore established in the township of West Nissouri, but the said school has been since the sixth day of May, 1913, and shall be subject to the provisions of the Statute respecting Continuation Schools in force prior to the passing of the said first mentioned Act, and as regards the said School that Statute shall be deemed to have been and to be unrepealed, until the Lieutenant-Governor in Council shall otherwise direct.

Right of board
to payment
over of money
raised.

(2) All payments which have been or might have been heretofore lawfully demanded by the board of trustees of the said school on account of permanent improvements or maintenance or otherwise had such first mentioned Act not been passed, and which have been approved of by the municipal council or municipal councils having jurisdiction over such continuation school, or by a vote of the ratepayers as the case may be, shall be made to the said board of trustees, and it shall be the duty of the board to demand and recover the same.

59. *The High Schools Act* is amended by inserting therein the following section:—

Rev. Stat.
c. 268,
amended.

28a. Where a high school has been established under this Act or a continuation school has been constituted a high school under section 12 of *The Continuation Schools Act*, the council of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 28.

Discontinuing
high school.

60. Subsection 4 of section 38 of *The High Schools Act* is amended by adding at the end thereof the words "or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures."

Rev. Stat.
c. 268,
s. 38, subs. 4,
amended.

61. Subsection 1 of section 5 of *The Boards of Education Act* is amended by adding thereto the following clause:—

Rev. Stat.
c. 269,
s. 5, sub. 1,
amended.

(f) When by reason of increased population additional representation on a board becomes necessary, the appointment shall be made and the election shall take place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with the provisions of subsection 7.

Increasing
representation
first election
of new
member.

62. Section 7 of *The Truancy Act* is amended by adding thereto the following subsections:—

Rev. Stat.
c. 274, s. 7,
amended.

(11) Where a truant officer has not been appointed and a child has failed to attend school, or has attended so irregularly as in the opinion of the inspector to necessitate special action, the inspector shall notify the parents or guardians of the child of the provisions of this Act.

Notice to
parent by
inspector.

(12) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register and to the particulars from the list prepared under subsection 1 of section 29 of *The Assessment Act* transmitted by the clerk of

Ascertaining
cases of
truancy or
irregular
attendance.

the municipality to the secretary of the board, and the teacher shall report such non-attendance or irregular attendance to the inspector.

Duty of
inspector.

- (13) It shall be the duty of the inspector when visiting every school in his inspectorate to see that the provisions of subsections 10 to 12 are complied with, and to report any breach thereof to the Department of Education.

Rev. Stat.
c. 274,
amended.

63. *The Truancy Act* is amended by adding thereto the following section:—

Municipal
clerk to send
school census
to boards.

- 7a.** The clerk of every municipality shall furnish to the secretary of every public and separate school board in the municipality the particulars recorded in the book prepared by the assessor under subsection 1 of section 29 of *The Assessment Act* as to children whose parents or guardians are supporters of the schools under the control of the board.

Rev. Stat.
c. 195.

(4 Geo. V. 1914, Chap. 47.)

Assented to 1st May, 1914.

An Act respecting certain High School Matters in the City of Berlin and the Town of Waterloo.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Berlin and Waterloo High School Act*. Short title.

2.—(1) There shall be a joint board of high school trustees Joint board of high school trustees. for the City of Berlin and the Town of Waterloo, hereinafter called “the board,” to be composed as follows:—

- (a) Four members appointed by the municipal council of the City of Berlin;
- (b) Two members appointed by the municipal council of the Town of Waterloo;
- (c) One member appointed by the separate school board of the City of Berlin, and
- (d) One member appointed by the separate school board of the Town of Waterloo.

(2) The first appointments to the board shall be made at the First appoint-ments to board. first meeting of each of the bodies named in subsection 1 after the date fixed for the commencement of this Act.

(3) Thereafter the appointments shall be made at the Subsequent appoint-ments. first meeting in each year of each of the bodies named in subsection 1.

(4) The members so appointed shall hold office until their Term of office. successors are appointed and the new board organized.

3. After the board has been appointed under section 2, the Board of Education to have powers. Board of Education for the City of Berlin shall cease to have,

perform and exercise any of the powers, duties, and functions of a board of high school trustees, and the same shall vest in and be transferred to the board created under this Act.

Separate school Board of Berlin to cease to be represented on Board of Education.

Rev. Stat. c. 266.

4. After the board has been appointed, the Separate School Board of the City of Berlin shall not be represented upon the Board of Education for that city, and for the following year and thereafter as long as this Act remains in force a board of public school trustees shall be elected in the manner provided by *The Public Schools Act*, and upon the organization of the first board of public school trustees the Board of Education shall be dissolved.

Rev. Stat. c. 268, and c. 278.

5. The board shall be a corporation by the name of "the High School Board of the City of Berlin and the Town of Waterloo," and, subject to the provisions of the Act, shall have, and may exercise the powers, and perform the duties, and be subject to the liabilities and obligations of a board of high school trustees under *The High Schools Act*, *The Industrial Education Act*, or any other Act of this Legislature.

Maintenance and permanent improvements.

Rev. Stat. c. 268.

6. The Municipal Corporations of the City of Berlin and the Town of Waterloo shall contribute for maintenance and for permanent improvements, as provided for by sections 37 and 38 of *The High Schools Act*, in proportion to the respective populations of the municipalities as determined by the last enumeration of the assessors, and the councils shall levy and collect such proportion in each year in their respective municipalities.

Application of Rev. Stat. c. 268, s. 38.

7. Section 38 of *The High Schools Act* shall apply to the board and to the said city and town as though they were two municipalities forming a high school district.

Town of Waterloo separated from county for high school purposes.

8. The Town of Waterloo shall not form part of the County of Waterloo for high school purposes, nor shall any rate for such purposes be levied by the council of the county in the said town after the day upon which this Act shall come into force.

Commencement and duration of Act.

9. This Act shall come into force on the First day of May, 1914, and shall remain in force so long only as the City of Berlin and the Town of Waterloo continue to be separate and distinct municipalities.

(4 Geo. V. 1914, chap. 48.)

Assented to May 1, 1914.

An Act to amend The Industrial Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Industrial Schools Act* is amended by adding thereto the following subsections:—

Rev. Stat.
c. 271, s. 15,
amended.

(2) A copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality so declared liable for maintenance.

Order as
to mainten-
ance of
children.

(3) Unless within one month after the mailing of the letter the corporation of the municipality applies to the judge making the order or to the judge of the division court of the division in which the parent, step-parent or guardian of the child resides, to vary such order by having some other municipality declared liable for the maintenance of the child, the corporation shall be estopped from denying liability thereunder, but this shall not prevent an application or order being made under section 26 of this Act.

When
order
to be
binding.

2. Section 24 of *The Industrial Schools Act* is repealed and the following substituted therefor:—

Rev. Stat.
c. 271, s. 24,
repealed.

24. Where the maintenance of a child is not otherwise fully provided for, the municipality in which the child resided for one year last preceding his admission to the school shall pay the sum of thirty cents per day towards the expense of maintenance.

Liability of
municipality
for main-
tenance.

Rev. Stat.
c. 271,
s. 28, ss. 1,
repealed.

3. Subsection 1 of section 28 of *The Industrial Schools Act* is repealed and the following substituted therefor:—

Contribution
from Pro-
vince for
mainten-
ance.

- (1) The sum of thirty cents per day for each day's actual stay of a child in an industrial school shall be paid quarterly by the Treasurer of Ontario to the industrial school board out of any moneys appropriated by the Legislature for that purpose.

Expenses
of convey-
ing child to
industrial
school.

4. The expenses of conveying any child to an industrial school from any part of a provisional judicial district not included in a city or town having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

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Acts of the Depart-
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